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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA JR., CAL EPA BUILDING
SIERRA HEARING ROOM
1001 I STREET, SECOND FLOOR
SACRAMENTO, CALIFORNIA

MONDAY, APRIL 8, 2002

9:14 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

COMMITTEE MEMBERS PRESENT:

MICHAEL PAPARIAN, CHAIR

STEVEN R. JONES

JOSE MEDINA

DAVID A. ROBERTI

STAFF PRESENT:

MARK LEARY, Executive Director

KATHRYN TOBIAS, Chief Legal Counsel

ELLIOT BLOCK, Legal Counsel

DEBORAH MCKEE, Board Assistant

YVONNE VILLA, Board Secretary

PEGGY FARRELL, Committee Secretary

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1 P R O C E E D I N G S

2 --oOo--

3 EXECUTIVE DIRECTOR LEARY: Good morning,
4 members. Good morning, audience. Welcome to our first
5 committee meeting in quite some time, the first meeting
6 of the Permitting and Enforcement Committee.

7 Very briefly here I'll set up some rules, talk
8 a little bit about committee procedures, and then I'll
9 turn it over to you, the committee members.

10 My name is Mark Leary, I'm the Executive
11 Director of the Waste Board for the purposes of the
12 court reporter.

13 Let me remind the audience -- I've never done
14 this before -- remind the audience to turn off their
15 cell phones. Did I do that well?

16 Let me talk a little bit about the committee
17 procedures. This is a duly formed standing committee.
18 The meetings will be, have been publicly noticed and
19 they are, of course, open to the public. The public
20 input should be managed in such a manner, in the same
21 manner that it is during the Board meetings.

22 We'd ask the speakers if they wish to speak
23 that they submit a speaker slip. And testimony will be
24 taken as it is at the Board meeting after each item.

25 It is obvious that the court reporter is

1 present, and we will have complete transcripts of all
2 our committee actions.

3 You'll today hear a number of items; some are
4 informational, some are discussion, and some are for
5 consideration. We hope to pattern this somewhat more
6 informally after the Board meetings -- or after the
7 budget subcommittee, not like the Board meetings, but
8 we'll have to see how that plays out.

9 Each committee will have the opportunity to
10 hear each item, form a recommendation, and vote
11 depending on the nature of the item.

12 There's an important caveat on each of the
13 committee notices and I'd like to point that out to
14 you. That although this represents a quorum of the
15 Board, each and all of the items to be considered will
16 ultimately have to be approved and confirmed by the
17 Board. In other words, and this is quoting directly
18 from the notice for the committee agenda,

19 "In accordance with Public
20 Resources Code Section 40500, all
21 committee actions, even if approved
22 by four members of the committee,
23 are required to be approved and
24 confirmed by the full Board."

25 I'd like a couple comments on voting. For

1 your consideration items, this is how we are going to
2 start to interpret the votes of your committee. If
3 there is a four zero vote, we will move that item and
4 propose it for consent for the full Board meeting.

5 If it's a three zero vote with one member
6 absent, we will also propose to move that item to
7 consent for the Board meeting.

8 If it's a three zero vote with one member
9 abstaining because they have a conflict with that item,
10 we will likewise move, propose to move that for consent
11 at the Board meeting.

12 But if there's a three zero vote with one
13 member abstaining for some other reason besides a
14 conflict with the material of the item, we would then
15 ask the member if they would object to placing it on
16 consent. If that member objects to placing it on
17 consent then, of course, we would not.

18 Any other vote of this committee we will move
19 to the Board for its consideration and not place it or
20 propose it for consent.

21 And kind of the fourth or final option for
22 this committee is that you may actually hold items in
23 this committee and not propose them to move forward to
24 the Board if you feel they are not ready or need
25 sufficient further work that you want to bring them back

1 to this committee at some subsequent meeting.

2 The first item on your agenda today is
3 selection of the chair and -- I'm sorry, let me
4 entertain any questions. Are there any questions of the
5 committee?

6 COMMITTEE MEMBER ROBERTI: No, just on a very
7 mundane, on a very mundane matter of fact point. When
8 do I give ex-parte?

9 CHIEF LEGAL COUNSEL TOBIAS: At the beginning
10 of the meeting the chair should call for ex-parte.

11 EXECUTIVE DIRECTOR LEARY: Good question.

12 Yes, Steve.

13 COMMITTEE MEMBER JONES: And in the past what
14 we used to do, even if there was a three 0 unanimous
15 vote on a controversial type issue, what we used to do
16 is say we're not going to place it on consent, we're
17 going to let the full Board hear it, but it's going to
18 be with a recommendation it had a three 0 vote coming
19 out of the committee.

20 EXECUTIVE DIRECTOR LEARY: Thank you for
21 pointing that out. Yes, the committee can also ask the
22 Executive Director and the executive staff to do
23 something different than placing it on consent. But on
24 the natural we will then place consensus votes on
25 consent.

1 Okay. I'd like to initiate selection of the
2 chair.

3 COMMITTEE MEMBER ROBERTI: I would like to
4 give my ex-partes now.

5 EXECUTIVE DIRECTOR LEARY: Okay. Okay. Let's
6 call for ex-partes.

7 COMMITTEE MEMBER ROBERTI: And you'll have to
8 endure these because I went to the trade show on Friday
9 and had no time to go through with these with my staff,
10 so momentarily here.

11 I met with Ms. Kim Thompson and Mr. Wade
12 Hunter of the North Valley Coalition regarding Sunshine
13 Canyon.

14 I met with Mr. Brian Gitt, G-I-T-T, president
15 of Bio Systems Solutions regarding product promotion,
16 loans, grants, and awards.

17 I met with Mr. Russell Levin, program
18 associate with the Recycled Products Purchasing
19 Cooperative regarding product promotion, loans, grants,
20 and awards.

21 I met with Mr. Steven Allen Rive, R-I-V-E of
22 Environmental Fleet Services regarding product
23 promotion, loans, grants, and awards.

24 I met with Mr. Larry Olliffe, O-L-L-I-F-F-E,
25 sales manager of Petowski Plastics regarding product

1 promotion, loans, grants, and awards.

2 I met with Ms. Karen K-A-R-E-N Cordova of
3 Cordova and Associates regarding product promotion,
4 loans, grants, and awards, regarding event and corporate
5 gifts and promotional products.

6 I met with Mary Lou Long of The Conversion
7 Technologies regarding product promotions, loans,
8 grants, and awards.

9 I met with Belinda Mak of Waste Reduction
10 and -- excuse me, Linda Mak, M-A-K of Ecotelesis,
11 E-C-O-T-E-L-E-S-I-S regarding product promotion, loans,
12 grants, and awards.

13 I met with Ruben Leenders, L-E-E-N-D-E-R-S, of
14 the Fibrex, F-I-B-R-E-X Group regarding product
15 promotion, loans, grants, and awards.

16 EXECUTIVE DIRECTOR LEARY: Other members,
17 ex-partes?

18 COMMITTEE MEMBER PAPARIAN: Yes. I have some
19 correspondence sent to me by Peter Anderson of Recycle
20 Worlds regarding bioreactors.

21 I was also at the recycled products trade show
22 last week. I'm honestly not sure any of my
23 conversations there really fall into an ex parte
24 involved conversation, but there were some that might,
25 and let me just mention those.

1 I did have discussions with representatives of
2 BAS, U.S. Rubber, Rubber Sidewalks, as well as Barry
3 Takallou, all regarding tire commercialization; not so
4 much the grants as the tire commercialization prospects
5 of the individual companies.

6 A representative of the North Valley Coalition
7 spoke with me briefly about issues of waste collection
8 in Los Angeles.

9 And then I spoke with several representatives
10 of the Disney Corporation regarding continuation of the
11 recycled products trade show in partnership with them.

12 COMMITTEE MEMBER ROBERTI: Mr. Paparian jogged
13 my memory.

14 I met with Lindsay Smith and I believe a Mr.
15 Valentino, her associate, of Rubber Sidewalks. I
16 believe it was only a meet and greet, but because they
17 recently had an award I would like to declare that as an
18 ex parte conversation.

19 COMMITTEE MEMBER MEDINA: At the trade fair I
20 want to ex parte Mickey, Minnie, and Goofy.

21 (LAUGHTER.)

22 COMMITTEE MEMBER ROBERTI: It was Jiminy
23 Cricket. It was Jiminy Cricket.

24 EXECUTIVE DIRECTOR LEARY: I hesitate to ask
25 about the substance of those conversations.

1 COMMITTEE MEMBER JONES: No different than
2 every day around here.

3 COMMITTEE MEMBER MEDINA: Mickey was kind of
4 quick with those scissors.

5 COMMITTEE MEMBER JONES: I just have a couple,
6 Denise Delmatier on South Valley; Arden, Don Jones on
7 the LEA; Bill Arulian at a C&D site in Bakersfield; and
8 the PR 1133 hearing in the South Coast Air District,
9 Greg Adams; I don't know the name of the guy from the
10 city of L.A., and just on those issues, on the
11 composting issues.

12 EXECUTIVE DIRECTOR LEARY: Okay. Since we've
13 had an ex parte of all four members of the committee,
14 we'll allow that to constitute a roll call since all
15 four members are indeed present.

16 And then I'd like to start the discussion and
17 selection of the chair by turning it over to Mr. Jones.

18 COMMITTEE MEMBER JONES: Thanks, Mr. Leary. I
19 think that as one of the members that was here when we
20 had committees -- I don't know if the Senator was here?

21 COMMITTEE MEMBER ROBERTI: No, I was not.

22 COMMITTEE MEMBER JONES: I think we had
23 abandoned them by then. But I know the idea is to
24 rotate 'em after six months or a year and I think that
25 makes a lot of sense.

1 I'd like to make a motion or put into place
2 Mr. Mike Paparian as the chair of this committee. I
3 know Mr. Medina's tied up with admin, I think the
4 Senator has got some other that he wants to do.

5 COMMITTEE MEMBER ROBERTI: I'm perfectly happy
6 with that, Mr. Jones.

7 COMMITTEE MEMBER JONES: So is that a second?

8 COMMITTEE MEMBER ROBERTI: I'll second it.

9 COMMITTEE MEMBER JONES: Beautiful.

10 EXECUTIVE DIRECTOR LEARY: Roll call.

11 BOARD SECRETARY VILLA: Jones?

12 COMMITTEE MEMBER JONES: Aye.

13 BOARD SECRETARY VILLA: Medina?

14 COMMITTEE MEMBER MEDINA: Aye.

15 BOARD SECRETARY VILLA: Paparian?

16 COMMITTEE MEMBER JONES: You can vote for
17 yourself, it's okay. You may have to.

18 COMMITTEE CHAIR PAPARIAN: Aye.

19 BOARD SECRETARY VILLA: Roberti?

20 COMMITTEE MEMBER ROBERTI: Aye.

21 COMMITTEE CHAIR PAPARIAN: All right. Well,
22 thank you very much. I guess it's here, huh? Boy, the
23 gavel and everything.

24 Are there any other items from members before
25 we start in on the agenda? Okay.

1 Why don't we dive right into it, Julie.

2 MS. NAUMAN: Good morning and congratulations,
3 Mr. Chair. I see you don't have your acceptance speech
4 written. And Board members, Julie Nauman, I'm Deputy
5 Director of Permitting and Enforcement Division.

6 So this is a learning experience for all of
7 us. We're going to try this morning something we
8 haven't done before, and that's to begin with the Deputy
9 Director reports. Much like the Executive Director does
10 for the full Board, it's my intent to take the first
11 five or ten minutes of each committee meeting to give
12 you a report.

13 And my intent is to include highlights of
14 upcoming agenda items that the Board will be seeing, an
15 indication of the number of the permits and the nature
16 of some of those that you'll probably be seeing in the
17 next couple of months.

18 I'd like to use it as an opportunity to give
19 you an update on work that's underway within the
20 Permitting and Enforcement Division pursuant to Board
21 direction.

22 And then just sort of informational items as
23 they arise to give you some timely information on
24 emerging issues.

25 And certainly welcome your comments on what

1 you'd like to hear in the news reports, what kinds of
2 other information you'd like us to provide to you,
3 perhaps by separate memo. So that's just kind of an
4 overview of what we intend to do with the deputy
5 director's report.

6 So let me start by giving you an update or
7 kind of a forecast, if you will, of the upcoming
8 permitting activity.

9 As you know, we do a regular forecast of
10 permits that have come in or we know are coming in. I
11 believe we already make that available to you. But just
12 in terms of totals, we're looking at approximately 25
13 permits that will be coming before the committee and the
14 Board over the course of the next three to four months,
15 and that gives you a sense of what the workload will
16 look like just for permits.

17 A couple of other interesting informational
18 pieces for you. With respect to the Sunshine Canyon
19 facility, the applicant has withdrawn the proposed
20 application that we saw to reopen the city side of that
21 facility. So while we had been anticipating a permit
22 relative to Sunshine Canyon Landfill coming before the
23 Board within the next few months, we don't expect to see
24 anything ready for committee or Board action until at
25 least August.

1 Those of you that read the Sacramento Bee and
2 keep up with Sacramento regional events are aware that
3 there was a major fire in Nevada City a week or two ago,
4 and so we do have an emergency waiver of standards from
5 the McCourtney Road Landfill and the transfer station in
6 Nevada County in order to be able to deal with the
7 debris resulting from that fire.

8 The waiver was requested on March 20th of
9 2002, according to our procedures I reviewed that, and
10 then you'll get a full report on it from the Executive
11 Director at the next Board meeting.

12 I want to spend a couple of minutes talking
13 about regulations. As you know from our work with the
14 full Board, the Permitting and Enforcement Division is
15 involved in approximately fourteen regulation packages
16 all in various stages. I'm not going to go into the
17 detail on each of those regulatory packages unless you
18 have specific questions, but just to highlight a couple
19 of them that we've seen coming back.

20 The tire monofill regulations have been
21 noticed for public comment and we expect those to be
22 coming back to the Board this summer.

23 We also expect the regulation package on the
24 inventory of solid waste facilities which violates state
25 minimum standards to also be coming back for the public

1 hearing this summer.

2 The construction and demolition materials
3 phase one which you approved has been approved for
4 notice. The comment period though has not opened.

5 And phase two, you'll actually be hearing that
6 item today, and hopefully it will get back before you
7 again this summer.

8 You'll also be hearing today a request to
9 start the formal process on the closure and post closure
10 maintenance plan regulation package.

11 A little bit about training. I hope to do
12 another informational item for the committee in the
13 coming months to give you a broader look at what's going
14 on in the training program because it's actually a very
15 intense program, and we're very proud actually of the
16 work that staff has been doing to present various
17 training venues for LEAs and operators as well as our
18 own staff. It provides a really valuable opportunity
19 for interaction between the LEAs and the operators and
20 our own staff.

21 We're in the midst right now of fourteen load
22 checking classes. And according to everything I've
23 heard, have been very well received, and we've really
24 exceeded all of our attendance expectations. So a class
25 that many have been waiting for and obviously, by their

1 attendance, are appreciating the availability of that
2 class.

3 Also, along with the help of the Central
4 Valley Regional Water Quality Control Board, we're
5 presenting a series of waste classification courses.
6 The first two classes was held in March, and two
7 additional classes are being presented in April and in
8 May.

9 Coming up we have two closed, illegal, and
10 abandoned site classes that we'll be starting next
11 week. These two day workshops cover issues pertaining
12 to illegal disposal sites on the first day, and
13 municipal solid waste legacy sites on the second day.

14 In collaboration with the health and safety
15 section, we're doing training on understanding Cal OSHA
16 and recognizing workplace health and safety violations.
17 Two classes will be offered during May and June.

18 And then starting in May we'll be conducting
19 the inspector field training tours. Each tour is four
20 day long and takes either a Northern or a Southern
21 California route. And this is the first time that we've
22 offered this course in quite some time.

23 So those are some of the things that we're up
24 to currently. And again, I welcome any comments either
25 during the end of this meeting or individually to me to

1 give me your ideas on other things that you'd like to
2 hear about during these reports.

3 Any questions?

4 COMMITTEE MEMBER JONES: Mr. Chair. Just one
5 on the training. I know everybody got a thing that Don
6 is going to be moving out of the landfill operator
7 training, he did an incredible job. And I've had ups
8 and downs with this program from inception to trying to
9 put it together, so I'm hoping that whoever you got
10 picked to take that over will meet with Mr. Leary on it.

11 And I want to make sure that this, I think
12 this is our biggest legacy. I mean the participation
13 has been incredible, and if we can get people to
14 understand the LEA as Board staff and operators then
15 we've done something positive.

16 So whoever you've got picked I want to make
17 sure they understand how important that is.

18 MS. NAUMAN: We've already started the
19 transition and I think we will still be able to access
20 Don's expertise in this area as we take over the
21 program. We recognize how important it is and what a
22 unique opportunity it provides us to have that
23 interaction between the LEAs and the operators and our
24 own staff. So we will take very good care of the
25 program.

1 COMMITTEE CHAIR PAPARIAN: Good. Anything
2 else?

3 MS. NAUMAN: Okay. So I guess we'll go ahead
4 and start on the agenda. We have a number of items this
5 morning.

6 I will start with somewhat of an apology in
7 that I usually try to organize these so that you take,
8 the full Board and now the committee takes the permit
9 items first, that's usually the ones that gender most of
10 the conversation, and then we move into more discussion
11 oriented items.

12 I think all of the staff is here this morning,
13 so depending on the committee's pleasure we can either,
14 you know, follow this along, or we can right to the
15 permits and then work back. Cause we actually have item
16 three scheduled as a discussion item.

17 So we can budget our time carefully and go
18 ahead and start with the discussion item if that's what
19 you wish, we can just follow the regular agenda or we
20 can move things around. Since this is an informal
21 setting I've been assured that Mark won't get mad at me
22 if we make a suggestion that we just kind of, you know,
23 take the items as they come. I think all the interested
24 parties are here.

25 So it's kind of at the committee's pleasure

1 what items you'd like to take up. And again, feedback
2 would be helpful too on how you'd like the agenda
3 organized for the committee meetings, if you'd like to
4 see the permits first, or you'd like to see regulation
5 packages first, or you have any preferences, we will
6 certainly work with that.

7 COMMITTEE CHAIR PAPARIAN: Either way.

8 MS. NAUMAN: So we'll just go through it as is
9 and start with item number three?

10 COMMITTEE MEMBER MEDINA: Sure.

11 MS. NAUMAN: Item number three is a discussion
12 and presentation of bioreactor landfills and the Yolo
13 County Central Landfill project.

14 And Scott Walker will make the presentation.

15 MR. WALKER: Thank you. Again, what we want
16 to do in this item is just give you a brief update on
17 the status of bioreactor landfill technology development
18 in California, including the full scale demonstration
19 project at the Yolo County Central Landfill, and then
20 also what we're doing to get additional regulatory
21 flexibility.

22 Bioreactor landfills are municipal solid waste
23 landfills that are operated to transform and stabilize
24 waste. Liquids and sludges are added to enhance the
25 biological decomposition process. By contrast, the

1 conventional dry tomb landfill is kept as dry as
2 possible thereby suspending the decomposition process
3 indefinitely.

4 Bioreactor landfills are believed to represent
5 a key technological advancement in disposal of residual
6 wastes. Basically residual wastes cannot otherwise be
7 recycled, composted, or through conversion technologies
8 converted to high value energy or other products.

9 The major benefits or potential benefits
10 include a reduction in the long term risk to the
11 environment through the stabilization of waste and the
12 shortening of post closure care needs.

13 More rapid settlement resulting in increased
14 capacity and site life.

15 Improved opportunities for recycling and
16 beneficial use of leachate and other liquid wastes and
17 sludges.

18 Another key potential benefit is in the
19 anaerobic bioreactor landfill, the enhanced projection
20 of methane as a renewable energy source.

21 And the fifth is reduction of greenhouse gas
22 emissions, volatile organic chemical air emissions, and
23 also hazardous air pollutant emissions. And this is due
24 more to the efficiency in collection of the landfill
25 gas.

1 And then finally, there is some potential for
2 recovery and reuse of residual composted waste through
3 landfill mining.

4 With those benefits, and they're not without
5 their potential disadvantages. And basically bioreactor
6 landfills require much more expertise and expense in
7 design, construction, and operation; and also short-term
8 risks for, increased risk for odor, leachate, gas
9 release.

10 Basically, when you add a lot of liquids into
11 a landfill it does make it a little bit, the needs of
12 really upgrading the performance and design is really
13 important to make it work.

14 The Yolo County project, to give an update on
15 the Board here, I want to point out that California is
16 recognized as a leader in the research and development
17 of bioreactor landfill technology, and a lot of this is
18 due to Yolo County and their projects at the Yolo County
19 Central Landfill.

20 They had been implementing a pilot scale
21 project, very small project since the early nineties.
22 And then also since 2000 they've been implementing a
23 full scale demonstration project. And this project was
24 approved in January, 2000 by the Board for \$400,000 in
25 funding to support that project. And the intent of that

1 project was to facilitate this technology as an option
2 for other landfills in the state. So important for
3 composters to use this information for other landfills
4 to facilitate bioreactor landfill projects.

5 The project to date has been very successful.
6 It's been a little tricky getting all the regulatory
7 approvals and this and that, but it's really working out
8 great now.

9 The initial 3.5 acre cell, which is about a
10 hundred thousand tons of waste, the anaerobic cell, it's
11 constructed, it's filled, it's completed.

12 The remaining portion of the twenty acre, the
13 twelve acre module, the twelve acre module has been
14 lined and some of the other cells are also being filled
15 now. Liquids are being added right now. Recently they
16 started adding the liquids, and the monitoring is
17 ongoing.

18 The landfill fill is instrumented and it, and
19 I don't have a photograph here, but it's basically got a
20 plastic sheet on top of it, it's kind of like a pyramid,
21 a lot of tires on top to keep that sheet down, and a lot
22 of piping and instrumentation in order to monitor and
23 add and collect liquids and gases.

24 In this project the final report will be
25 submitted in April, and this will be made available on

1 the Board's Web site to other parties. So essentially
2 this contract is winding down and it should be completed
3 shortly. But the demonstration project will continue.

4 Another thing to point out is that this
5 project has recycled about 1.5 million tires. Tires are
6 very, very useful in construction of this type of
7 landfill because it provides the drainage media that
8 otherwise you would need to purchase gravel and mine the
9 gravel and all that. So recycling tires is a very, very
10 high potential for civil engineering application of
11 recycled tires.

12 On the regulatory flexibility, Board staff are
13 aware of some other projects in the planning stage in
14 California, bioreactor landfill projects. However, it
15 is unlikely that new projects will start until we get
16 regulatory flexibility granted by U.S. EPA to the state
17 Subtitle D program.

18 The main barrier is that Subtitle D prohibits
19 adding liquids from outside the waste unit, and you
20 really need those liquids in order to optimize this
21 process.

22 For Yolo County what was done is we went
23 through a site specific process with the U.S. EPA called
24 Project Excel. There's, in the Federal Register there's
25 an actual amendment to Subtitle D that approves Yolo

1 County's project. That's very, very burdensome
2 regulatory processes. It's really not practical to
3 really get new projects going.

4 But we do anticipate that U.S. EPA will issue
5 a proposed rule which is called a research, development,
6 and demonstration or RD&D approval section to Subtitle
7 D. And what this would do is allow the state to approve
8 site specific waivers of Subtitle D requirements where
9 they are, where it is demonstrated that, of a superior
10 environmental technology, which may include bioreactor
11 landfill.

12 Inexplicably, the RD&D option, it's already in
13 the hazardous waste requirements in Subtitle C, but
14 inexplicably it was not put originally in Subtitle D.
15 And so, you know, this is allowed for hazardous waste
16 landfills and other facilities, but until it gets
17 changed in the federal rule it's not going to be allowed
18 for landfills.

19 Board staff have been working and
20 collaborating with state water board staff and U.S. EPA
21 staff to ensure that we are able to incorporate this
22 regulatory flexibility as soon as it is available. And
23 we sort of sketched out a process under which we would
24 do that.

25 When EPA issues a proposed rule, or actually a

1 final rule, and this is projected to be probably in late
2 2002, Board staff would prepare revised regulations for
3 consideration to add in this approval section.

4 Basically a real flexible, you know, simple section that
5 would mirror Subtitle D.

6 At this time it's not anticipated that we
7 require a joint rulemaking with the State Water
8 Resources Control Board which would make it much easier
9 for us to do this expeditiously.

10 Essentially, approvals under this RD&D rule
11 would be site specific and dealt with through revision
12 of a solid waste facility permit and the Water Board's
13 waste discharge requirements.

14 Upon, the proposal would be submitted to U.S.
15 EPA region nine for review and comment. And the current
16 process for Subtitle D changes that we have allows the
17 state to sell certified changes with regard to Subtitle
18 D, we send them in to the U.S. EPA and that's the way
19 we're able to do that.

20 So to conclude, Board and state Water Board
21 staff will continue to collaborate to ensure that
22 California's Subtitle D program will allow the
23 flexibility for bioreactor landfills when it is
24 environmentally sound and appropriate.

25 That concludes my presentation. And I just

1 want to point that Roman Asidawney from Yolo County is
2 here should you have questions, and also Joe Mello from
3 the State Water Resources Control Board.

4 COMMITTEE CHAIR PAPARIAN: Questions, members?

5 COMMITTEE MEMBER JONES: Just one quick one.

6 Mr. Asidawney has done an awful lot of good work, and
7 everybody in the nation looks to a lot of what's going
8 on at this facility.

9 Is the companion site, you were going to do
10 one site, one of the cells as a bioreactor cell, and
11 then you were going to have an identical cell that was
12 built Subtitle D and sort of split the waste going in.
13 Is that basically still the deal or --

14 MR. WALKER: Well, I think I'd probably have
15 to defer to Roman, but they have operated regular
16 Subtitle D. And this module is an entirely bioreactor
17 landfill, so all the waste right now is going into the
18 bioreactor landfill module.

19 COMMITTEE MEMBER JONES: All right.

20 MR. WALKER: It's separated into aerobic and
21 anaerobic cells.

22 COMMITTEE MEMBER JONES: Aerobic and anaerobic
23 cells?

24 MR. WALKER: Right.

25 COMMITTEE MEMBER JONES: Okay. So that's where

1 the differential is?

2 MR. WALKER: Right.

3 COMMITTEE MEMBER JONES: Good job, guys.

4 COMMITTEE CHAIR PAPARIAN: Other comments? I
5 wanted to mention Mr. Medina and Board member Pete Silva
6 from the Water Board got together, oh, a couple of
7 months ago, and Scott Walker and Mr. Mello from the
8 Water Board gave us a good presentation on bioreactors,
9 and we certainly appreciated that.

10 I had one quick question. We're promoting at
11 the Waste Board conversion technologies, organic
12 recycling, and we have this project on bioreactor
13 landfills; and there is an interrelationship that I see
14 between these issues in that, you know, too much going
15 in one area may compete with another area.

16 Have you been getting together with the
17 conversion tech folks to make sure that, or you know,
18 make sure that we're not looking at waste that might
19 otherwise go in the conversion tech area?

20 And secondly, is there any type of
21 characterization of the waste going into the test
22 facility at Yolo County so that we would have some
23 verification about the type of waste and whether it
24 might be stuff that would be appropriate for conversion
25 tech?

1 MR. WALKER: Well, the answer to your first
2 question is yes, we have been coordinating directly with
3 the conversion technologies program.

4 And bioreactor landfills have, the debate
5 early on was whether or not they were at the same level
6 as conversion technologies, but basically they're not,
7 they're like below conversion technologies in terms of
8 the heirarchy, but above a dry tomb landfill.

9 So it, it, in a sense, in some cases it,
10 conversion technologies may not be practical and there
11 may need to be a landfill. Clearly I think we
12 anticipate that there will be some residual waste on the
13 part of the landfill. So at this point we don't
14 anticipate there will be a conflict.

15 The other thing is with regard to composting
16 and recycling is another issue of concern that somehow
17 bioreactor landfills would compete for those
18 feedstocks.

19 But basically in the most optimistic scenarios
20 there's still a sufficient organic materials and
21 residuals to support a bioreactor landfill. Many states
22 that have large waste have bioreactor landfills and will
23 be able to convert the waste.

24 But conversion technologies there's no, you
25 know, we are working with staff and to make sure that we

1 are coordinating and are not interfering or conflicting
2 between the two technologies.

3 COMMITTEE CHAIR PAPARIAN: Thank you.
4 Anything else?

5 Any public comments on this item? Okay.

6 MS. NAUMAN: So that takes us to our next item
7 which is also an informational item. This is a report
8 to the Board on enforcement orders issued by local
9 enforcement agencies since November, 2001.

10 This is our periodic update, and we intend to
11 come back several times a year to give you an update on
12 these enforcement orders.

13 And Georgianne Turner will present the item.

14 MS. TURNER: Thank you, Julie. Good morning.

15 This item is going to report to you on eight
16 orders which were reported to you in November but had
17 not received compliance yet, and twelve new orders which
18 have been issued by an LEA between November 13th and
19 March 15th.

20 Out of eight orders that were outstanding from
21 the report given in November, seven of them have come
22 into compliance. The one that has not come into
23 compliance is Bisso Ranch in Sonoma County.

24 The court issued a tentative decision in the
25 new owner's favor actually, and the LEA has now

1 requested assistance through our 2136 program and are
2 requesting for us to consider them for a Board managed
3 cleanup.

4 Additionally, I wanted to mention that in the
5 item we had stated that we expected a status report from
6 Monterey County regarding Crazy Horse.

7 This order has been complied with, and the LEA
8 did meet their requirement to report to us the status of
9 the order, which it has been rescinded.

10 Twelve new orders have been received by the
11 Board since November. One was rescinded and then
12 reissued, so we're counting it as actually two in the
13 number of twelve. Four have been complied with. And
14 six are pending compliance, basically meaning that the
15 compliance dates are in the future and have not come up
16 yet. And one is kind of in the state of both, there
17 were several tasks in that order that needed to be
18 complied with, and some of those tasks have not been
19 complied with, some of those dates are still
20 outstanding.

21 At this time I'd kind of like to ask the
22 committee's desire. I am prepared to give you a brief
23 summary of all the orders issued since November if you
24 wish, or I can leave it on the sweet and simple version
25 if you'd like.

1 COMMITTEE CHAIR PAPARIAN: Any preference?

2 COMMITTEE MEMBER JONES: I just have a
3 question about one.

4 COMMITTEE CHAIR PAPARIAN: Yeah, Mr. Jones has
5 a question about one, and then my suggestion would be
6 not to go through every one, I think we have a very good
7 report here.

8 But if any stand out in your mind as
9 something, you know, unusual, if you wanted to bring
10 those forward to our attention that would be fine.

11 But let's go to Mr. Jones first.

12 COMMITTEE MEMBER JONES: Thanks, Mr. Chair.
13 Just a question on the Capital Recycling Center in
14 Placer County, that's the old Barry Street mall.

15 In reading this it kind of sounds like there's
16 activity at the landfill. Didn't this Board spend a
17 huge amount of money to put out a fire and start closure
18 on that site? I mean we spent a huge amount of money to
19 put out a fire that had been burning almost fifteen
20 years and to close the site, and now they got some guy
21 that's operating what isn't even quote unquote a
22 "recycling facility."

23 So where's Sue Happsberger? This is the guy
24 that said, "We're doing the transfer station regs," this
25 is the guy that came forward and said it shouldn't be,

1 it shouldn't have to be source separated if the intent
2 of the person that was hauling it that he'd hoped you
3 should recycle it, we should be allow to take it, it
4 made a lot of sense.

5 Now, I mean is this right? Is this guy, after
6 we've spent all this money to put out the fire and close
7 the landfill, this guy is putting stuff back into this
8 landfill?

9 MS. TURNER: No, they're not putting it back
10 into the landfill.

11 COMMITTEE MEMBER JONES: This is just
12 operating an illegal transfer station?

13 MS. TURNER: Right. And because of the
14 activities going on there, the post closure land use
15 requirements have not been met. Basically they would
16 have to do a post closure land use report for us, and we
17 have to --

18 COMMITTEE MEMBER JONES: Because we paid for
19 closure, right? Didn't we do the closure?

20 CHIEF LEGAL COUNSEL TOBIAS: Yes, we did.

21 COMMITTEE MEMBER JONES: So does this go to
22 the top of the list? I mean here's somebody that, you
23 know, this is the Waste Board's money to put out a fire
24 which ultimately closed the site, and now they're not
25 even operating -- first, they're operating illegally;

1 and second, they're not using the land use right. I
2 would think this has to go to the top of somebody's
3 list.

4 MS. TURNER: Actually that would be the one
5 that I would bring to your attention, so just to further
6 that discussion a little bit.

7 The LEA I know has been having difficulty
8 getting this operator to comply, and there have been a
9 series of negotiations. Basically it went to court, or
10 it was prepared to go to the hearing panel rather, and
11 the operator kind of came in and said, "Okay, we want to
12 negotiate before it goes to the hearing panel."

13 And so they came up with this order as a joint
14 effort between the operator and the LEA. And the LEA
15 has now determined that several of those tasks in the
16 order, which is in your, should be in your attachment,
17 have not been complied with. And so they are not happy
18 with the progress of them attempting to comply with the
19 order, and are now in the process of writing a fourteen
20 day notice to comply, that's part of their procedures,
21 and then being prepared to take remedies as specified in
22 the order.

23 So I may have, depending on where they are in
24 that process, I may have more information next week.

25 COMMITTEE CHAIR PAPARIAN: Okay. Anything

1 else? I wanted to express my appreciation for you
2 putting this together. I think it might have been at my
3 request that we have these items come to the Board
4 regularly. And I certainly find it very helpful to have
5 the information, and I take some comfort in knowing that
6 the good work that the LEAs are doing in pursuing some
7 of the things that are described in here. So I really
8 appreciate it.

9 I do have a question, Julie. Now this is not
10 an item that we vote on so it doesn't go on the consent
11 calendar, yet it's on the Board agenda.

12 MS. NAUMAN: I think it's an item you can move
13 onto the Board as an information item if it's something
14 you think the full Board should have the opportunity to
15 hear about. So you're right, it's not an item to vote
16 on, but I think we would, I would anticipate you would
17 move it onto the Board just as an informational item so
18 that the other members can hear it.

19 You know, I think it's up to the committee. I
20 mean there may be other informational items that are
21 more related to the work in process. If we came to you
22 and said we just kind of want to give you an update on
23 some issues we're struggling with with C&D, and we had a
24 discussion and we got some direction from you, and we
25 went back and did more work, that might be something

1 that you wouldn't necessarily want to move onto the full
2 Board.

3 But other informational items that you think
4 are of interest to all the Board members and to our
5 wider constituent group I think we should move on.

6 COMMITTEE CHAIR PAPARIAN: Yeah, I think that
7 this one and the next one would be, just to see if the
8 other Board members have any questions or comments about
9 them.

10 MS. NAUMAN: I would agree.

11 COMMITTEE CHAIR PAPARIAN: Thank you.

12 MS. TURNER: Thank you.

13 MS. NAUMAN: So that brings us to the next one
14 of those.

15 COMMITTEE CHAIR PAPARIAN: I'm sorry, was
16 there any public comment on that one?

17 Okay.

18 MS. NAUMAN: Okay. Item five is the
19 semiannual update and publication of the inventory of
20 solid waste facilities violating state minimum
21 standards.

22 And Mark de Bie is here.

23 MR. DE BIE: Thank you, Julie. Mark de Bie
24 with the Permitting and Inspection branch. Good morning
25 committee members, chairman.

1 This item is the, the report that staff makes
2 twice a year on the facilities that are currently on the
3 inventory of facilities in violation of state minimum
4 standards. This is part of the current procedure for
5 publishing this list as required by statute.

6 I'll remind the committee that we're in the
7 process of regulation development relative to the
8 inventory. Until that package is complete and fully
9 approved, we're still operating under the Board's
10 procedures, policy procedures for doing the inventory.

11 There are currently seven facilities on the
12 inventory. Four of which continue from the last
13 publication; three new ones have been added; but I'll
14 note that six have been removed. So we're seeing a net
15 decrease in the number of facilities that are on the
16 inventory.

17 All of the facilities are working with the
18 LEAs to reach compliance. We have noted that some of
19 the initial compliance schedules have been, have expired
20 in terms of final compliance dates, and it's our
21 understanding in communication with LEAs that updated
22 compliance schedules are either in process or have been
23 completed.

24 And so we're seeing that, you know, that the
25 LEAs are staying up on the majority of these facilities,

1 continuing to work with the operators to reach
2 compliance.

3 If the committee has any questions about
4 specific sites I'm ready to answer those questions. But
5 otherwise, that would be the end of the presentation.

6 COMMITTEE CHAIR PAPARIAN: Questions?
7 Senator, did you have a question?

8 COMMITTEE MEMBER ROBERTI: No.

9 COMMITTEE CHAIR PAPARIAN: Thank you and good
10 work to get this list down. I think we've seen the
11 steady progress of winnowing down the number of
12 facilities that are on the violation of state minimum
13 standards list. Thanks.

14 Any public comment on that item?

15 Okay.

16 MS. NAUMAN: Thank you, Mr. Chair, I
17 appreciate that compliment. As I said in the past, this
18 was one of the strategies in our old, or previous
19 strategic plan, I shouldn't call it an old plan, the '97
20 strategic plan was to reduce the number of facilities on
21 the inventory, and that continues to be one of our
22 strategies as well in the new strategic plan. So
23 hopefully there will come a time when the list is
24 non-existent.

25 Okay. So we're, the next item then moves us

1 into a couple of contracts. First is consideration of
2 the contractor for the Environmental Laboratory and
3 Sampling Services Contract for fiscal year 2001-02, it
4 is IWMA Mandatory Services Contract.

5 And Scott Walker will make the presentation.

6 MR. WALKER: Scott Walker, Remediation,
7 Closure and Technical Services Branch.

8 Item six is consideration of the contractor
9 for the environmental laboratory and sampling services
10 contract. This is a fiscal year 2001-2002 mandatory
11 services contract allocated for \$120,000. The scope of
12 work was approved by the Board in December.

13 This contract provides waste, soil, water, and
14 air analytical testing services to assist the Board and
15 LEAs in solid waste facility and site compliance
16 enforcement cases.

17 We've had equivalent contracts since 1991, and
18 the current contract is essentially complete and fully
19 utilized.

20 The approved invitation for bid or IFB
21 contract award process for this contract is near
22 completion, and the successful bidder will be named at
23 the Board meeting.

24 In conclusion, the staff will recommend that
25 the Board approve 2002-163 awarding the environmental

1 laboratory and sampling services contract to a
2 successful bidder.

3 COMMITTEE CHAIR PAPARIAN: Any questions on
4 this item?

5 COMMITTEE MEMBER JONES: Do you know who that
6 successful bidder is now? I mean if it comes to
7 committee and you've already made the determination, why
8 do we hear it at the Board meeting? I mean cause that
9 way we can take an action and put it on consent if we
10 want.

11 MR. WALKER: Yes. We weren't, since it's in
12 process and we look for contracts office to make the
13 official notification.

14 COMMITTEE MEMBER JONES: It's just not done.

15 MR. WALKER: We -- yeah, it's just not
16 completed yet.

17 COMMITTEE MEMBER JONES: All right.

18 MR. WALKER: But it will be by the Board
19 meeting.

20 MS. NAUMAN: Mr. Jones and members, I would
21 anticipate that, you know, at any time that an item is
22 through the complete review process that, you know, we
23 would bring it to the committee and have you take your
24 action on that and not hold back anything waiting for
25 the full Board, because it's really at your pleasure,

1 you know, what you move forward and how you choose to
2 move that forward.

3 COMMITTEE MEMBER JONES: And that's what my
4 question was.

5 MS. NAUMAN: Yeah.

6 COMMITTEE MEMBER JONES: I didn't want to set
7 up a precedent.

8 MS. NAUMAN: And I agree. I want to make sure
9 that we've checked everything out before we make any
10 moves.

11 COMMITTEE CHAIR PAPARIAN: So in this case
12 we'll be moving it forward to the full Board, we don't
13 have a recommendation on it pending the name of the
14 contractor?

15 COMMITTEE MEMBER JONES: Well can I ask a
16 question?

17 COMMITTEE CHAIR PAPARIAN: Sure.

18 COMMITTEE MEMBER JONES: Really the only
19 thing, we're not going to have any choice over who the
20 selected vendor is anyway because they will be making
21 the choice, so is -- and I guess it's, I mean if we're
22 all in, I'm saying this has to go forward to a vote, but
23 my question would be the way this is set up you're going
24 to tell us, okay, the scoring went through, this is the
25 approved vendor, and then we'd make the motion?

1 MS. NAUMAN: Right.

2 COMMITTEE MEMBER JONES: So --

3 MS. NAUMAN: So there isn't a lot of debate
4 that can occur about it because the process determines
5 the successful bidder.

6 COMMITTEE MEMBER JONES: That's right.

7 COMMITTEE CHAIR PAPARIAN: So Mr. Jones, are
8 you suggesting that they put it on the consent calendar?

9 COMMITTEE MEMBER JONES: No, no, no, not
10 without the name, but I think later we do, but I think
11 we ought to just take a --

12 MS. NAUMAN: I think this is all a matter of
13 timing of where we are relative to what's happened with
14 this particular contract and the committee meeting
15 versus the Board meeting. And, you know, ideally we
16 would have everything completed before we came to either
17 the Board or the committee, but in an effort to kind of
18 keep things moving along we went ahead and scheduled
19 this item.

20 COMMITTEE MEMBER JONES: Sure. I think my
21 issue would be I have no problem with whoever is going
22 to do this. I don't want to move it on consent, but I
23 do want to have an indication coming out of this
24 committee that it looks like the staff followed the
25 scope of work and that, that pending whoever, I mean

1 that based on what I've seen I move that we adopt this
2 but wait until the Board meeting where we have the name
3 of the vendor for a full vote of the Board. But I think
4 this committee, if it's got an issue with it, we ought
5 to vote up or down.

6 I'm going to make a motion that we accept it
7 and then hear it at the Board meeting pending whoever
8 that, you know, whoever that contractor is. But that we
9 adopt resolution, out of this committee adopt Resolution
10 2002-163.

11 COMMITTEE MEMBER MEDINA: For myself, given
12 that this is an incomplete resolution because we don't
13 have the sampling services contract awarded to, I would
14 just as soon leave it to the Board until it was
15 complete, and then I would be inclined to move it to the
16 consent calendar.

17 But in this case we don't have a contractor
18 listed at the end of the resolution so I don't see how
19 we could pass the resolution.

20 COMMITTEE MEMBER JONES: I don't want it to
21 go, Mr. Medina, on the consent. I guess what I'm trying
22 to get at is, if we don't -- do we have a problem with
23 the process it went through, you know what I mean?

24 Because I think it's, if somebody said I don't
25 think this followed the process, we ought to be able to

1 talk about that. If nobody has an issue with it,
2 because I think it's incumbent upon all these committees
3 to let the Board members that don't sit on the committee
4 know the discussion you have. But that's all.

5 I don't have a problem one way or another, but
6 I just think it's incumbent on us to at least give an
7 indication we were comfortable with it or, you know,
8 other than the identification of the final person.

9 COMMITTEE CHAIR PAPARIAN: Senator Roberti had
10 a comment.

11 COMMITTEE MEMBER ROBERTI: Yeah. I think it's
12 good maybe that this point comes up early in our
13 discussions.

14 My own feelings are that one reason why I
15 suspect we have committees, and in my own mind the judge
16 is still out as to whether they help or slow down our
17 processes; but one reason why we have committees is that
18 we make a recommendation to the full Board, that we
19 essentially do the yeoman work so that the full Board
20 has the advantage of our earlier expertise on the
21 matter.

22 That being the case, I think we should on
23 every item do one of two things:

24 One, send it to consent calendar.

25 Or two, take a vote up or down.

1 If it's up, then the Board will know that the
2 committee, that the committee voted three to one or four
3 to nothing, whatever, in favor of something.

4 If it's down, I don't know, I'm trying to
5 think what the proper action would be. I guess it could
6 be down with a recommendation still sending it to the
7 Board for its consideration, or we keep it. Well I
8 guess we have a choice.

9 So if it's down we have a choice of one or two
10 things. Either we keep it, or even though we're against
11 it we still send it forward with a negative
12 recommendation.

13 But I think we have, I think we should come to
14 a conclusion on this committee as one reason why we, I
15 think it is the reason why we have the committees.

16 COMMITTEE MEMBER MEDINA: I don't disagree
17 with what you say, Senator. I can see moving the item
18 with a recommendation, however I would not move the
19 resolution given at this time it's an incomplete
20 resolution.

21 COMMITTEE MEMBER ROBERTI: Oh, no, I totally
22 understand that.

23 Well you raise another very important point,
24 Jose, and that is that whatever we send out should, I
25 guess in almost all cases, be a completed item. That's

1 another reason why we have a committee, and that is to
2 put the final touches on a, on an item.

3 I guess there are circumstances where we might
4 want to send something that is incomplete to the full
5 Board for them to do the filling in the blanks, but I
6 would suspect that that would be a rare occasion, and
7 probably we'd be, one other thing besides making a
8 recommendation is that we do the work and we fill in the
9 blanks.

10 So I agree with you actually.

11 MS. NAUMAN: Mr. Chairman, if I might make a
12 suggestion or offer some other options for your
13 consideration.

14 COMMITTEE CHAIR PAPARIAN: Sure.

15 MS. NAUMAN: One of the things we hadn't
16 really talked about in a lot of detail is how the
17 committee would report out its work.

18 We talked about the idea of having items that
19 were voted on by the committee automatically go on the
20 consent calendar, I think we know how that process
21 works, Mark as the Executive Director puts together the
22 consent calendar, that's how you see the translation of
23 your action to communication to the Board.

24 I would anticipate that the Board would be
25 expecting to have some kind of an oral report from the

1 committee during the full Board meeting.

2 So perhaps either at the beginning of the
3 Board meeting the chairs of the committee would report
4 the results of their work for that month, or
5 alternatively you could have that report occur, in this
6 case at the beginning of the P&E section, where the
7 chair could report on the items:

8 We've approved the following for consent.

9 We have the following items that we've brought
10 forward as informational items that we believe are
11 important for the full Board to hear.

12 And we have a contract item where we have
13 reviewed the staff's work and we find that it
14 acceptable, however at the time the committee was
15 hearing it we didn't have the final bidder identified.
16 We understand that's identified today, and so we'll be
17 recommending that the Board approve this item today.

18 So you might handle something like this in the
19 context of a report back to the full Board.

20 COMMITTEE CHAIR PAPARIAN: Okay. Mr. Jones,
21 would you like to change it?

22 COMMITTEE MEMBER JONES: I'll rephrase.

23 COMMITTEE CHAIR PAPARIAN: Okay.

24 COMMITTEE MEMBER JONES: And that's a good
25 point, Mr. Medina, and I appreciate it.

1 But that's what I like about committee
2 structures in one respect is that we get to talk about
3 this stuff.

4 So I'm going to move that this get placed with
5 a recommendation to approve once we know who the
6 contractor is and we've completed the resolution.

7 COMMITTEE CHAIR PAPARIAN: Okay. Mr. Jones
8 has made a motion. Is there a second?

9 COMMITTEE MEMBER ROBERTI: One moment. Let me
10 ask a question. Could we have a completed resolution
11 without making reference to who we're giving, to who we
12 are giving the contract?

13 EXECUTIVE DIRECTOR LEARY: No.

14 MS. NAUMAN: I'll defer to legal, but I don't
15 think so, I think we need to name since it's the award
16 of a contract.

17 CHIEF LEGAL COUNSEL TOBIAS: Maybe I don't
18 understand. If the item is going forward to the Board
19 on a regular item, my understanding is that the
20 committee's approving it subject to the selection of the
21 contractor, and thus the Board would be getting the item
22 with the completed resolution.

23 COMMITTEE MEMBER JONES: Right. I'm just
24 saying, I'm recommending, I'm not promoting the or I'm
25 not, I'm not moving the resolution, I'm just

1 approving --

2 MS. NAUMAN: I think the Senator was
3 exploring --

4 COMMITTEE MEMBER ROBERTI: And what's
5 confusing me, and maybe I'm making this distinction
6 without a difference, and that is that I have no problem
7 voting for a resolution that we consider a contractor
8 for the environmental laboratory and sampling, but I
9 would like to leave some area at least open that if we
10 don't get a satisfactory contractor that the, it will
11 return to the committee.

12 Can we do that?

13 COMMITTEE CHAIR PAPARIAN: Senator, I mean as
14 I understand the resolution, it's indicating our support
15 of the resolution pending the inclusion of the
16 contractor.

17 The resolution itself would come to the full
18 Board at our Board meeting next week. At that time any
19 of us could object to it or bring up any issues. The
20 actual discussion of the resolution, in other words,
21 will happen at the Board meeting next week.

22 COMMITTEE MEMBER ROBERTI: Then a question.
23 When will the, when will the actual filling in of the
24 contractor take place?

25 CHIEF LEGAL COUNSEL TOBIAS: You know, I don't

1 think that the focus on the resolution, unless I don't
2 understand what you're trying to do, is exactly proper.

3 I think what you want to do here is indicate
4 that the committee accepts and is forwarding the item
5 forward subject to the Board approving the contractor.
6 It's an incomplete item as it is. So you won't make it,
7 the, the, concentrating on the resolution doesn't make
8 any difference.

9 COMMITTEE MEMBER ROBERTI: Right. And then
10 another question of you, counsel, and that is since we
11 have a committee system, I guess now it's becoming a
12 little bit clearer in my mind, is that the issue of the
13 contractor itself should come to the committee as well
14 so when we have, so when we have the consideration of
15 the various entities, if there are more than one who
16 choose or who would seek to be the contractor, shouldn't
17 that also be something that comes before the committee
18 if we're having a proper committee process?

19 CHIEF LEGAL COUNSEL TOBIAS: Well I think
20 what, let me talk about in an abstract of what should
21 have happened with this item, with all due respect to
22 the staff.

23 If we don't have a contractor, and hopefully
24 we can adjust our timeframes in the future so that when
25 it comes to the committee, just because we've moved this

1 up I think the timing wasn't exactly right.

2 If an item like this comes forward and we are
3 still waiting for a contractor, your committee should
4 hear it and discuss it, but really you can't make a
5 recommendation on it because it's not a complete item
6 for your consideration.

7 So now, that's not to say that the committee
8 can't do what it wants to do, I'm just saying in the
9 abstract it makes more sense that you have a complete
10 item before you. If it's not complete you discuss it,
11 send it onto the Board without a recommendation, or with
12 a recommendation saying you're okay with the concept but
13 you're waiting for the contractor.

14 In any case, it's going to be the Board that
15 approves this and all of you will be able to speak to
16 the contractor at that time.

17 COMMITTEE MEMBER ROBERTI: Yeah. And what I'm
18 trying to do, and I need some help on this, and that is
19 to get our processes down early on.

20 But it strikes me we can be in a sort of a
21 catch as catch can situation depending on what our
22 timing is. If we have enough time, the committee will
23 hear both the resolution and the contractor.

24 If we don't have enough time we send it to the
25 full committee, to the full Board for consideration

1 because we've dealt with the resolution and then the
2 contractor comes around, you know, in the intervening
3 week or two weeks. I don't think that is an organized
4 way to go about it.

5 I think what should be presented to us is the
6 resolution and the contractor, or we make a process
7 we're only going to vote on the resolution, the subject
8 matter itself, and then in all cases the matter of the
9 contractor will be inserted by the full Board.

10 But whatever, I think it should be an
11 organized process, one or the other, and not something
12 depending on when the contractor's name is submitted as
13 to whether we consider it in committee or whether the
14 Board considers it de novo, who gets it first.

15 I don't know if everybody's following me, but
16 right now I don't think that's clear.

17 MS. NAUMAN: Senator, I think we have somewhat
18 of a unique situation here.

19 COMMITTEE MEMBER ROBERTI: Okay.

20 MS. NAUMAN: In the future it would be my
21 intent not to bring anything forward to the committee
22 that wasn't complete.

23 In this situation we're kind of working
24 against the clock in that if we wait until May we're
25 going to be really out of dollars in the existing

1 contract. So this item had always been kind of
2 scheduled to get to the full Board before May, and
3 knowing that we would have the name by the Board meeting
4 we continued to work toward that.

5 COMMITTEE MEMBER ROBERTI: I understand.

6 MS. NAUMAN: So I think this is more of a
7 transition issue.

8 COMMITTEE MEMBER ROBERTI: So what you're
9 essentially telling us is that because we've established
10 the committee system, at this date we have some loose,
11 untied, untied ends, I guess, that have to be taken.
12 But it's going to be your, your process that we hear
13 both --

14 MS. NAUMAN: Yes.

15 COMMITTEE MEMBER ROBERTI: -- the resolution
16 and the contractor in tandem in all cases?

17 MS. NAUMAN: Yes. Unless there is some other
18 odd situation developing. And we will know that in
19 advance. And if something like that, for whatever
20 reason should occur, I can come to you the previous
21 month and say, "I've got this situation, how do you want
22 to handle it?"

23 COMMITTEE MEMBER ROBERTI: Right. But it's an
24 odd situation and exception to our process?

25 MS. NAUMAN: Yes, that's the way I'm viewing

1 this one. And I was just conferring with Scott to see,
2 you know, what were we doing to try to hurry it up so
3 that we could have the name by today.

4 COMMITTEE MEMBER ROBERTI: I understand the
5 problem, and this is our first meeting and obviously
6 some things will be hanging around.

7 Is that consistent with what counsel --

8 CHIEF LEGAL COUNSEL TOBIAS: Yes, it is. But
9 Marie Carter was also reminding me here that as we get
10 to the end of the budget year and we need to start
11 getting things basically approved by the Board prior to
12 June 30th, there may be some items that come forward
13 that are heard at committee but are still in perhaps
14 some unfinished state, either this issue or something
15 else, that will come through a committee but will
16 actually be going to the Board for the full
17 consideration.

18 Then it would be the committee's choice to
19 either have that discussion, even though you know
20 something is missing and send it onto the Board, or say,
21 you know, there's no point in us hearing an unfinished
22 item, let it go forward to the Board, we don't need to
23 hear it. So that would be your call as to --

24 COMMITTEE MEMBER ROBERTI: I guess what I feel
25 comfortable with is that as our processes, both on the

1 part of the staff presenting these items to us and our
2 counsel, that our normal course is set, and that is that
3 we have a resolution on the subject matter and
4 consideration of the contractor in tandem unless there
5 is some fiscal or organizational problem such as the
6 legislature's business beyond our control. And I think
7 that's something that applicants should know as well
8 going in.

9 So I feel comfortable with that because you
10 can't have a hundred percent hard and fast rule, we
11 should know what our modus operandi is going to be.

12 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

13 COMMITTEE MEMBER ROBERTI: So now I don't have
14 a problem seconding Mr. Jones' resolution.

15 COMMITTEE MEMBER JONES: I was going to ask
16 Kathryn to help me fashion it in the right way.

17 COMMITTEE MEMBER ROBERTI: If you're going to
18 keep it?

19 COMMITTEE MEMBER JONES: I mean I think it's
20 clear, and you can tell me if it's wrong.

21 I'm not proposing the resolution, but I'm
22 saying that this Board, I'm making a motion that this
23 Board is comfortable with both the process and the
24 allocation subject to -- that we accept it and that, but
25 not the resolution.

1 So tell me a way to fashion this, and we're
2 going to put it forward to the Board with hopefully a
3 four 0 vote, but subject to whoever that final
4 contractor would be.

5 CHIEF LEGAL COUNSEL TOBIAS: I think your
6 motion would be that you are moving that the committee
7 forward this to the Board --

8 COMMITTEE MEMBER JONES: With a positive
9 recommendation.

10 CHIEF LEGAL COUNSEL TOBIAS: -- with a
11 positive recommendation, you know, subject to the
12 selection of a contractor at the time of the Board
13 meeting.

14 COMMITTEE MEMBER JONES: That works.

15 COMMITTEE CHAIR PAPARIAN: Okay. And Senator,
16 you're seconding that?

17 COMMITTEE MEMBER ROBERTI: Second.

18 COMMITTEE CHAIR PAPARIAN: Any comments?

19 Okay. Secretary, call the roll.

20 COMMITTEE SECRETARY FARRELL: Jones?

21 BOARD MEMBER JONES: Aye.

22 COMMITTEE SECRETARY FARRELL: Medina?

23 BOARD MEMBER MEDINA: Aye.

24 COMMITTEE SECRETARY FARRELL: Roberti?

25 BOARD MEMBER ROBERTI: Aye.

1 COMMITTEE SECRETARY FARRELL: Paparian?

2 BOARD CHAIR PAPARIAN: Aye.

3 MS. NAUMAN: I'm glad we worked out the
4 process because the next one is going to present the
5 same situation. Maybe this will go a little bit
6 quicker. Okay.

7 Consideration of the contractor for the
8 environmental laboratory -- oh, I'm sorry, I read the
9 wrong title.

10 Consideration of the contractor for the
11 environmental services contract for the closed, illegal,
12 and abandoned site investigation program for fiscal
13 2001-02, and this is from BCP number two.

14 MR. WALKER: I'll make this quick. The Board
15 approved allocation to this contract of \$200,000, and
16 the scope of work was approved in November. This
17 contract will provide specialized services to assist the
18 Board and LEAs in site field investigation for
19 enforcement of closed, illegal, and abandoned sites.

20 Such services include drilling and excavation,
21 investigation borings and trenches, and installation of
22 gas monitoring probes and devices.

23 The approved request for qualifications or RFQ
24 contract award process for this contract again is near
25 completion as in the previous item, and the successful

1 consultant will be named at the Board meeting.

2 In conclusion, staff will recommend the Board
3 adopt Resolution 2002-164 awarding the environmental
4 services contract for the closed, illegal, and abandoned
5 site investigation program to the successful consultant.

6 COMMITTEE CHAIR PAPARIAN: Okay. So we're in
7 a similar situation to the last item.

8 COMMITTEE MEMBER JONES: And because I don't
9 want to make a mistake, just change the heading. I want
10 to move, I want to move the concept forward with a
11 recommendation pending selection of the contractor.

12 COMMITTEE MEMBER MEDINA: Second.

13 COMMITTEE CHAIR PAPARIAN: Okay. Moved by Mr.
14 Jones, seconded by Mr. Medina.

15 Secretary, call the roll.

16 COMMITTEE SECRETARY FARRELL: Jones?

17 COMMITTEE MEMBER JONES: Aye.

18 COMMITTEE SECRETARY FARRELL: Medina?

19 COMMITTEE MEMBER MEDINA: Aye.

20 COMMITTEE SECRETARY FARRELL: Roberti?

21 COMMITTEE MEMBER ROBERTI: Aye.

22 COMMITTEE SECRETARY FARRELL: Paparian?

23 COMMITTEE CHAIR PAPARIAN: Aye.

24 MS. NAUMAN: This one shouldn't take too long.

25 COMMITTEE CHAIR PAPARIAN: Okay. We'll do

1 this item and then take a break.

2 Item seven.

3 COMMITTEE MEMBER JONES: This is pretty good.

4 MR. WALKER: This is item eight. And item
5 eight presents consideration of extension of the
6 completion date for the Cajon Illegal Disposal Site
7 matching grant cleanup project approved pursuant to the
8 solid waste AB 2136 solid waste cleanup program.

9 The Cajon site --

10 COMMITTEE CHAIR PAPARIAN: I'm sorry, Scott
11 some of us have it as item seven, I believe.

12 MR. WALKER: Oh, item 7.

13 COMMITTEE CHAIR PAPARIAN: It may be item
14 eight on the Board agenda and item seven on this agenda.

15 MS. NAUMAN: Yeah, the numbering is off a
16 little bit because we started the committee meeting with
17 two kind of introductory items which then threw our
18 numbers off.

19 COMMITTEE CHAIR PAPARIAN: We are clear we're
20 talking about El Cajon?

21 MS. NAUMAN: We're talking about El Cajon.

22 COMMITTEE CHAIR PAPARIAN: Go ahead.

23 MR. WALKER: I'll be very brief on this
24 presentation.

25 This is one of the most complex enforcement

1 and cleanup cases the Board has ever encountered. The
2 site is located near the Cajon Pass in San Bernardino
3 County. It's adjacent to Devore Creek which is an
4 environmentally sensitive perennial stream.

5 About 200,000 cubic yards of mainly
6 construction and demolition waste were illegally dumped
7 at this site.

8 Underground and surface fires were first
9 reported to the county on December 31st, 1998, and the
10 County Board of Supervisors declared a state of
11 emergency regarding the site in early 1999.

12 Waste was dumped at the site at the request or
13 consent of the property owner who is now deceased.
14 Approximately ninety haulers were identified.

15 The county promptly implemented a very
16 comprehensive enforcement strategy in consultation with
17 the Board and numerous other agencies with
18 jurisdiction.

19 At the same time Board staff worked with the
20 county to establish a cleanup plan for removal and
21 recycling the waste, and also restoration of the slopes
22 and creekbed.

23 The final cleanup plan was estimated to cost
24 over \$3.2 million to implement, and clearly the cost was
25 way in excess of what the 2136 fund could handle, and it

1 would clearly take away from other projects. So we were
2 in a bind and we had to figure out a way to deal with
3 this.

4 What was done is negotiations were pursued
5 with a group of the large haulers, a group of the hauler
6 group has very large company haulers, that they would
7 implement the cleanup plan using their contractors,
8 their equipment, etcetera, and pay the majority of the
9 costs.

10 A final settlement agreement was established
11 whereby the Board would provide a match of up to
12 \$750,000 for costs in excess of the fair share
13 contribution of this small group of haulers. The Board
14 approved this project and matching grant on June 20th of
15 2000.

16 I've got a slide here I just want to really
17 briefly go over this. Again, Board staff has, I'll give
18 you a couple -- why don't we go to the next slide? I
19 want to give you a pre-site condition.

20 You'll notice Devore Creek in the background,
21 a very environmentally sensitive area. San Bernardino
22 County is not known for their perennial streams, well
23 here's one and it's very important.

24 Next slide. This goes to show you a little
25 bit of the way the site looked. This is really very,

1 very, the largest site, it's just really an ugly
2 situation.

3 Next slide. Board staff has continued to
4 provide oversight to ensure this project is completed as
5 the Board approved.

6 The plan has essentially been completed. The
7 bulk of the grading work has been done, most of these
8 waste materials have been successfully recycled.

9 The exception is the revegetation phase.
10 Again, the site is in excellent condition. This shows
11 you a most recent shot of the site, basically the same
12 location as what you saw before. The organic material,
13 unacceptable material has been removed, it's been
14 graded. Erosion control has been done at the foot of
15 the slope. There's a good sound protection of that
16 slope.

17 But the revegetation phase could not be
18 completed this fall as originally scheduled.
19 Essentially there's a short window of time for
20 revegetation to occur in this area. I think another
21 factor is the, is that Southern California has had a
22 really severe drought, so even if we had completed it,
23 the chances of a successful reveg would have been very
24 low.

25 But, so essentially with that, staff are

1 recommending approval to extend the cleanup project
2 completion date from June of 2002 to January of 2004.
3 This would give us two additional seasons to assure
4 revegetation is done as required, and also give us
5 leverage because we are holding back on the retainage in
6 the grant that we won't pay out until this cleanup
7 project is completed.

8 So in conclusion, staff recommends adoption of
9 resolution 2002-162 to extend the cleanup date from June
10 20th, 2002 to January 1 of 2004 for the Cajon site
11 matching grant cleanup project.

12 And Mike, if you'd just go for the next slide
13 just to give you -- there's another shot of the slope.
14 It really, it looks really good.

15 Next slide. And that's just the creek. It
16 shows you why we're doing this. This is very, very,
17 there's endangered species in this creek, and it's very
18 important that we do this project, and the Board so far
19 has been very successful.

20 That concludes staff's presentation.

21 COMMITTEE CHAIR PAPARIAN: Thank you.

22 MS. NAUMAN: I had one more thing on behalf of
23 behalf of staff. I'd like to acknowledge for the public
24 Mr. Jones' guidance, help, leadership on this, it
25 wouldn't have happened otherwise. He was a great

1 negotiator, and he made this deal work.

2 And I appreciate your help, Mr. Jones, thank
3 you.

4 COMMITTEE CHAIR PAPARIAN: Okay.

5 COMMITTEE MEMBER ROBERTI: Which I might add
6 he's been working on for a while, so very good. Very
7 good.

8 COMMITTEE CHAIR PAPARIAN: Okay. Maybe we
9 ought to do a second resolution on Mr. Jones' good work.

10 (LAUGHTER.)

11 COMMITTEE MEMBER JONES: It is. I have to
12 tell you, this is good government. \$3.7 million cleanup
13 that cost this Board \$750,000, not \$3.7 million.

14 Mr. Eaton gets part of the kudos, he refused
15 to allow this to just be paid for, and he's the one that
16 said go fight, and he just needs to be acknowledged that
17 at that time he did not give in. So everybody, Bledsoe
18 and Scott Walker and the Regional Board, and I mean
19 there was, we had every agency in this thing.

20 So I appreciate it. I mean we did good work
21 and got it done. So we had to threaten 'em with taking
22 our 750,000. I told 'em Roberti would take it over to
23 Lockyear personally to take that money and use it to
24 prosecute, so they could litigate or mitigate, and they
25 those to mitigate.

1 COMMITTEE CHAIR PAPARIAN: Okay. So in this
2 case we do have a resolution that's complete.

3 Would someone like to move the resolution?
4 Mr. Jones.

5 COMMITTEE MEMBER JONES: I would move
6 adoption.

7 COMMITTEE MEMBER ROBERTI: Second.

8 COMMITTEE MEMBER JONES: I'll move adoption of
9 Resolution 2002-162.

10 COMMITTEE CHAIR PAPARIAN: Okay. So it's
11 moved by Mr. Jones, seconded by Senator Roberti.

12 Secretary call the roll.

13 COMMITTEE SECRETARY FARRELL: Jones?

14 COMMITTEE MEMBER JONES: Aye.

15 COMMITTEE SECRETARY FARRELL: Medina?

16 COMMITTEE MEMBER MEDINA: Aye.

17 COMMITTEE SECRETARY FARRELL: Roberti?

18 COMMITTEE MEMBER ROBERTI: Aye.

19 COMMITTEE SECRETARY FARRELL: Paparian?

20 COMMITTEE CHAIR PAPARIAN: Aye.

21 So the recommendation on that one will be for
22 the consent calendar.

23 COMMITTEE MEMBER JONES: Right.

24 COMMITTEE CHAIR PAPARIAN: Okay. We'll take a
25 ten minute break.

1 (Thereupon there was a brief recess.)

2 COMMITTEE CHAIR PAPARIAN: I think we'll go
3 ahead and start.

4 COMMITTEE MEMBER MEDINA: Mr. Chair, I have
5 some ex-partes.

6 COMMITTEE CHAIR PAPARIAN: Thank you, go
7 ahead.

8 COMMITTEE MEMBER JONES: Thank you. On April
9 the 2nd, 2002, I met with Mark Aprea, Denise Delmatier,
10 George Larson, Chuck White, and Grace Chan in regard to
11 composting regulations and closure, post closure.

12 COMMITTEE CHAIR PAPARIAN: Thank you.

13 Mr. Jones, any ex-partes?

14 COMMITTEE MEMBER JONES: Talked to John Cupps,
15 and just the list that everybody gave about at the
16 Disneyland trade show. I was, because those people
17 didn't have any business in front of our committee
18 today, I was just going to have Jeannine enter them, but
19 I don't want you to think I'm trying to get away with
20 anything so they will be entered now on the computer.

21 COMMITTEE CHAIR PAPARIAN: Okay. Just as a
22 reminder, there are speaker slips in the back of the
23 room if anybody wants to speak on this item or any of
24 the other items coming before us.

25 So we'll go into item --

1 MS. NAUMAN: We're on item number nine on the
2 committee's agenda which correlates to item number eight
3 in the Board packet. And this is a discussion and
4 request for direction on formally noticing proposed
5 regulations for closure and post closure maintenance.

6 Michael Wochnick will make the presentation.

7 MR. WOCHNICK: Good morning, Mr. Chairman,
8 members of the committee. Michael Wochnick with the
9 Closure Technical Services Committee of the Permitting
10 and Enforcement Division.

11 As Julie mentioned, this item is for
12 consideration of direction from the committee and the
13 Board for formally noticing regulations for closure and
14 post closure maintenance.

15 The impetus for these regulations came from
16 the December, 2000 Bureau of State Audit reports
17 concerning the Integrated Waste Management Board. And
18 in that report the auditor included certain findings and
19 recommendations regarding closure and post closure
20 maintenance.

21 The specific findings were discussed by the
22 Board in April of last year, and then in May last year
23 in Resolution 2001-135, the Board directed staff to
24 revise closure regulations to accomplish four specific
25 items.

1 One was for permits for closed landfills.

2 Two was to control trickling waste and/or
3 delaying closure.

4 Three was approval of closure plans for solid
5 waste facility permit concurrence.

6 And four was to reestablish the Waste Board as
7 the coordinating agency for closure plan review.

8 The first draft of some regulations were
9 developed in early November of 2001, and then two
10 workshops were held in late November. One in Southern
11 California in Diamond Bar, and one in Northern
12 California in Sacramento.

13 Based on input from those workshops and also
14 subsequent informal comments, e-mails, phone calls,
15 etcetera, a second draft was prepared in February of
16 this year.

17 And then at the February Board briefing, the
18 Board directed staff to meet with essentially the rural
19 counties and the LEAs to work out some concerns that
20 they had regarding the trickling standard, and approve
21 plans for permit concurrence.

22 Since that time staff has met with the Rural
23 Counties Environmental Services Joint Powers Authority
24 and also the California Conference Directors of
25 Environmental Health and Local Enforcement Agencies

1 Local Advisory Council, along with various other formal
2 meetings and phone calls.

3 And based on those discussions and inputs from
4 those agencies, the proposed version that's in your
5 agenda today was prepared. Just last week, last
6 Thursday, the staff did receive a fax from a coalition
7 of landfill operators that brought up some concerns with
8 three issues.

9 They are concerned about the trickling
10 standard and its applicability to the unused portion of
11 operating landfills.

12 The approved closure plan for permit
13 concurrence.

14 And with the closure permits.

15 Regarding the coalition's concern with the
16 trickling standard. Industry has requested they want to
17 work with staff to revise the wording.

18 We've reviewed the wording, and our staff
19 feels pretty clear that the standard was never intended
20 and does not apply to inactive portions of operating
21 landfills.

22 The standard that's in the proposed
23 regulations was pretty much taken from Subtitle D, the
24 current standard in there, and it only applies to
25 landfills that are completely not operating or are

1 completely inactive as opposed to operating landfills
2 that may have inactive portions.

3 But, as we've discussed with industry, they
4 can easily provide suggested amendment language during
5 the formal comment period that, you know, we can
6 consider further clarifying the standard.

7 The second issue is industry is concerned
8 about the approved closure plan for permit concurrence.
9 They want to work to develop an alternative that would
10 increase the stringency of having a complete plan for
11 permit.

12 That recommendation is contrary to the Board's
13 specific direction back in last May in your Resolution
14 135 which required an approved plan for permit
15 concurrence.

16 However, in discussions with LEAs and some
17 operators, we have modified the initial proposed
18 standard that was in the November version of the
19 regulations to make it more flexible by removing the
20 specific linkage to the Regional Water Board.

21 Under the proposed regulations is for an
22 approved plan or what we're calling approvable, is that
23 the LEA has to approve the closure plan and the Board
24 staff would find it approvable.

25 The reason for the approvable statement is

1 because under current PRC standards the Board cannot
2 formally approve the plan unless the Regional Water
3 Board has approved it, but we can consider it
4 technically adequate for standards under the Waste
5 Board's purview.

6 So that's, because there was some concern of
7 LEAs and some operators that lack of approval from the
8 Regional Water Board may delay a permit action, and so
9 we've removed that potential problem.

10 And staff believes that the proposed standard
11 would not significantly delay the permit process. And
12 again, industry can provide suggested alternative
13 language during the formal comment period for
14 consideration.

15 The third issue was concerning the closure
16 permit. Industry wants to discuss the enforcement issue
17 and that the closure permit does not address the audit
18 report findings concerns.

19 So again, I want to point out that the closure
20 permit was a specific direction from the Board in your
21 May resolution last year to allow LEAs to issue closure
22 permits.

23 And the current standard we have, the proposed
24 standard, I should say, addresses a fundamental problem
25 with the enforcement authority in the Public Resources

1 Code.

2 We mentioned that both legal office and
3 program staff agree that the PRC is not specific and
4 that the most effective straightforward way to address
5 enforcement issues is by the issuance of a closure
6 permit. And this would also address the audit report's
7 concerns about the delays in closure due to a lack of
8 enforceability.

9 The proposed standard includes a registration
10 permit as the primary option, which is a ministerial
11 permit, and would just incorporate the closure plan by
12 reference as a permit condition.

13 However, the full permit is an option, as
14 requested by a number of LEAs, and that may be a better
15 choice where you have more complex closure projects, may
16 take a number of years, three, four, five, six years or
17 more; but also could address partial closures where you
18 have a landfill that's both operating and has closed
19 areas where one permit can address both portions of the
20 landfill.

21 But again, as with the other issues, industry
22 can provide suggested alternative language during the
23 formal comment period.

24 So it's staff's recommendation that the Board
25 approve going forward with the formal 45 day comment

1 period for those closure and post closure regulations.

2 I do want to point out that the actual start
3 of the, assuming the Board does approve going forward
4 with the formal period at this April Board meeting, the
5 actual start will probably not occur until probably the
6 July, August timeframe, because an initial statement of
7 reasons has to be prepared, and also the economic fiscal
8 impact statement has to be prepared, and that will be
9 before the formal process can go. So that process
10 usually takes a couple of months.

11 That concludes my presentation this morning.
12 I'd be happy to answer any questions the committee may
13 have.

14 COMMITTEE CHAIR PAPARIAN: Before we jump into
15 the questions, Senator Roberti, do you have any
16 ex-parte?

17 COMMITTEE MEMBER ROBERTI: No, I do not, thank
18 you.

19 COMMITTEE CHAIR PAPARIAN: Any questions or
20 comments from any of the Board members?

21 COMMITTEE MEMBER JONES: You got speakers?

22 COMMITTEE CHAIR PAPARIAN: I do have three
23 speakers so far.

24 COMMITTEE MEMBER JONES: I'll hold until after
25 the speakers.

1 COMMITTEE CHAIR PAPARIAN: Okay. I have Evan
2 Edgar, Grace Chan, and Charles White so far as
3 speakers.

4 Do you have any preferred order or should we
5 just go in with Evan?

6 MR. EDGAR: I'd prefer Grace Chan.

7 COMMITTEE CHAIR PAPARIAN: Grace Chan
8 representing the L.A. County Sanitation Districts.

9 MS. CHAN: Good morning, Mr. Chair and Board
10 members. My name is Grace Chan, and I'm from the Los
11 Angeles County Sanitation Districts. And I'm here today
12 to express my concern about the regulatory package.

13 As Mr. Wochnick said, it did grow out of the
14 issues raised in the state audit report about operators
15 not getting their final closure plans approved in a
16 timely manner or closure activities being conducted in a
17 timely manner.

18 We don't believe that this regulatory package
19 really addresses that, and yet does add additional
20 administrative process which would be burdensome to both
21 the operators and the LEA and Board staff.

22 We submitted a letter, as he mentioned, with
23 other industry folks as well as the Solid Waste
24 Association of North America outlining our issues, and I
25 won't go into each one of those today.

1 I did want to touch on one and that's the
2 requirement in the proposed regs to get an approved
3 closure plan before you have approval to operate.

4 And the current regulations require that a
5 preliminary closure plan be submitted with a permit
6 application and be deemed complete. And our
7 understanding of that is primarily to make sure that
8 there's an appropriate financial assurance mechanism
9 through the operating life of the site to provide for
10 closure.

11 In discussions with staff it appears that
12 their, this portion of the proposed regulations are
13 aimed at addressing two of their concerns which are:

14 One, that completeness determination step
15 doesn't always provide them the information they need to
16 make sure there's an appropriate financial assurance
17 mechanism in place.

18 And also, that once an operating permit has
19 been approved, operators are not taking the initiative
20 to get their closure plans approved in a timely manner.

21 Taking the first issue, if the completeness
22 determination step is inadequate, that's the problem
23 that needs to be addressed.

24 And maybe, that's why we suggested in the
25 letter that perhaps the completeness step could be

1 enhanced, either expand the list of what the staff needs
2 the operator to submit up front so that they can do an
3 expeditious review of the plan, determine that it's
4 complete, in a format they would like; anything along
5 those lines, rather than just inserting another approval
6 process in the already extensive permit process.

7 With respect to the other issue about closure
8 plans not getting approved in a timely manner, I agree
9 with the audit report that existing statute is not very
10 precise. I think the words it uses are that closure
11 plans must be approved in a reasonable, within a
12 reasonable period of time, and I agree that's not very
13 precise.

14 But something like, again, if that's the
15 problem, a more direct way to address that is to
16 establish time limits for those plans to be approved,
17 say twelve months or eighteen months after approval of
18 the permit. That seems like a reasonable period of time
19 given the fact that some of these landfills will operate
20 ten or fifteen years beyond the issuance of a permit.

21 So given those comments, I would respectfully
22 request that you hold the package until we can have
23 further discussions with staff about these issues.

24 Thank you.

25 COMMITTEE CHAIR PAPARIAN: Okay. Any

1 discussions? Okay. Evan Edgar, are you ready or are
2 you going to defer to Mr. White?

3 MR. EDGAR: Mr. White, please.

4 MR. WHITE: Charles White with Waste
5 Management. I think Evan wants to get the last word.

6 The four issues that I was going to address
7 are the four issues that are outlined on the front page
8 of the agenda item for the 16.

9 The first one is the issue of whether we need
10 to have closure permits. And that really wasn't an item
11 of very much discussion at the workshop at all, it sort
12 of appeared more clearly in this very last package which
13 we really didn't have a chance to discuss, and we
14 certainly didn't discuss the reason apparently that the
15 staff has for wanting to have a closure permit which is
16 apparently to provide a vehicle in which to embody the
17 closure plan so it, there's more direct access for
18 enforcement purposes.

19 We don't object to making, clarifying the
20 enforcement authority, in fact we didn't think there was
21 any problem of enforcement, we assume that the closure
22 plans we prepare are fully enforceable, in fact we're
23 kind of surprised to hear now that staff is suggesting
24 maybe they're not enforceable.

25 But is really a closure permit the best way to

1 go about doing it? Are there other options? Can we
2 clarify legislation? Is there other regulatory
3 approaches that can be taken to make sure that there is
4 adequate authority to enforce the closure plans?

5 And we would just appreciate an opportunity to
6 have some further discussions on this as to whether or
7 not this is really the right vehicle, the most efficient
8 vehicle to ensure that the Board and the LEAs have all
9 the authority they need to enforce closure plans.

10 The second issue is the trickling problem,
11 trickling issue, trickling waste keeping landfills
12 open.

13 Our concern is for large regional landfills
14 there may be portions of landfills that go unoperated
15 for a very long period of time, and we're worried about
16 this creating an endless process of seeking approval for
17 extensions to keep this portion still part of the
18 operating permit without having to institute a closure
19 plan process.

20 And we would like to see the regulations
21 clarified to make sure it's clear that we don't have to
22 go through this endless process. We want to put a part
23 of the landfill to sleep for a while and reopen it in
24 maybe a year or two years down the road, we don't have
25 to go through this endless paperwork process to justify

1 that, and make sure, and hopefully that can be clarified
2 in the regulations.

3 The third issue has to deal with the approval
4 of these closure plans, as Grace emphasized in her
5 testimony. And it appears to us, although it really
6 wasn't discussed in the workshop that much, is the
7 desire to want to have a clear basis for a closure cost
8 estimate, an accurate closure cost estimate upon which
9 to base financial assurance at an early stage.

10 You don't want to wait until two years before
11 final closure until you have an accurate closure cost
12 estimate. But the requirement to submit an approvable
13 closure plan, whatever that is, the word "approvable" is
14 still somewhat of a mystery as to really how is that
15 determined, is that really a term of art or not in the
16 regulations?

17 And if the issue is really having accurate
18 closure cost estimates and, up-front, are there other
19 ways we can do that to make sure that it's clear in the
20 statute or regulations that you really have to justify
21 your closure cost estimates with the best, most accurate
22 information that's available when you first prepare
23 these preliminary closure plans.

24 And we would much prefer to see that
25 emphasized as the approach to getting the best possible

1 information rather than require to have an approved
2 closure plan even before you even have a permit for
3 which you have to close.

4 And then the fourth issue is reestablishing
5 the Board as the coordinating agency. We certainly
6 support that concept. The Board should be the
7 coordinating agency for closure plans to make sure
8 there's a level playing field across the Board for
9 closure plans and their approval.

10 In summary, I guess we're suggesting, as did
11 Grace, that these regulations really aren't quite ready
12 to go out for public notice. We would really much
13 appreciate an opportunity to really focus on what the
14 specific concerns of the auditor are, what the specific
15 concerns of the staff are, but make sure we have
16 identified the best vehicle to ensure that the Board and
17 the staff have the accurate, the mechanisms, the
18 authority you need to enforce closure plan approval
19 processes. We would just like a little more time to be
20 able to continue working on that.

21 And I guess one last parting, the Allied
22 Waste, Chuck Helget was going to be gone to a meeting
23 but he came back, and he gave me the authority to
24 represent Allied in these comments too. So even though
25 he's back I think I'm still going to say I believe

1 Allied concurs with these comments, and also would
2 request that you hold off on these regulations until we
3 have a chance to work a little further with the staff.

4 Thank you.

5 COMMITTEE CHAIR PAPARIAN: Thank you. Mr.
6 Edgar.

7 MR. EDGAR: Good morning, Chair and Board
8 members. Evan Edgar, Edgar Associates for CRRC.

9 We'd like to join in the industry letter in
10 order to oppose staff recommendation number one and
11 support option number three. We support the comments of
12 L.A. San as well as the Waste Management.

13 What is most disturbing for me as part of this
14 package was the application process. In order to apply
15 for a solid waste facilities permit you would need to
16 have an approved closure plan. And having gone through
17 CUP and CEQA and having an approved closure plan and
18 then applying for a solid waste facilities permit would
19 basically add a year and a half to two years to the
20 process. And that would be rather troublesome.

21 Before we had a complete and correctness
22 package for an application package, but having an
23 approved closure plan as part of the solid waste
24 facility permit application package is almost a
25 catch-22.

1 They can enter the app by CUP, CEQA closure,
2 back to CUP, CEQA closure, and then apply for a solid
3 waste facilities permit.

4 So I would like, I would like to prepare a
5 time guideline and submit that as part of my official
6 comments to demonstrate that this could add to the
7 process.

8 Thank you.

9 COMMITTEE CHAIR PAPARIAN: Thank you. And
10 one, we have one more speaker, Donald Gamblin from
11 NorCal Waste.

12 MR. GAMBLIN: Good morning, Board members. I
13 was actually hoping to go before Mr. Edgar because it's
14 oftentimes difficult to follow him up, but he wasn't too
15 bad today, so I appreciate that.

16 We just -- Donald Gamblin with NorCal Waste
17 Systems. And we just wanted to concur with the comments
18 that were posed by the Waste Management, by Grace Chan,
19 and also by Evan Edgar that there are some significant
20 issues in the way the regs are drafted right now.

21 I think we understand what their intent was,
22 but there are some very troublesome unintended
23 consequences to the way they're drafted right now,
24 particularly related to permit processes, and the fact
25 to go over and over the closure plan on every permit

1 change that may come forward on a solid waste facility,
2 regardless of whether or not it affects the closure plan
3 itself.

4 So again, hopefully we can be given some more
5 time to work with staff to iron out a few of these
6 unintended consequences.

7 Thank you.

8 COMMITTEE CHAIR PAPARIAN: Thank you. It
9 seems that we've got a couple of options before us, and
10 I wonder if staff would like to comment on those.

11 One would be to delay putting out the regs so
12 that, delay the start of the 45 day comment period in
13 order to have some more discussion between some of the
14 interested parties and the staff and see if any
15 resolution of some of the issues is possible.

16 Or to put it out for the 45 day comment period
17 and then attempt to address those issues and concerns in
18 the context of the 45 day comment period.

19 MS. NAUMAN: I think those clearly are the two
20 options before the committee. Staff certainly will
21 follow your direction.

22 I think our position still is that the issues
23 that have been raised and discussed this morning are
24 issues that we feel confident can be addressed in the 45
25 days. I think you've heard staff report to you on the

1 approvable plan as opposed to some of the testimony that
2 talked about having an approved plan. That is not what
3 staff is proposing. So I think we're probably closer --

4 COMMITTEE MEMBER ROBERTI: Staff is not
5 proposing an approved plan, we're --

6 MS. NAUMAN: No, we're not proposing the
7 typical approved closure plan. Let me have --

8 COMMITTEE MEMBER ROBERTI: You just said an
9 approvable plan, but the witnesses asking for delays
10 seem to be speaking of it in terms of an approved plan.
11 So is it just a matter of language or maybe they don't
12 quite understand what you're proposing.

13 MR. WOCHNICK: Okay. There is some part in
14 the language that we have some discussions that, the
15 intent of the language, although it does say for an
16 approved closure plan as part of the approved
17 application, the explanatory notes within the
18 regulations do say that the approvable process can go
19 concurrently with the permitting process. So the
20 approved plan does not have to be submitted as part of
21 the permit application, it could be being reviewed
22 concurrently with the permit application.

23 COMMITTEE MEMBER ROBERTI: But when the permit
24 is approved by the permitting authority, which I suspect
25 is at the local level, does there have to be a plan

1 approved?

2 MR. WOCHNICK: Well the way it's, the current
3 regulations are drafted is that the closure plan would
4 be approved by the LEA, and because of the wording of
5 the PRC would be deemed approvable by the Waste Board
6 staff. Which essentially means we are technically
7 satisfied with it, but under PRC, the PRC code, the plan
8 cannot be formally approved by the Board without taking
9 into consideration the Regional Water Board's actions.
10 So until the Regional Water Board approves the plan, the
11 Waste Board cannot do that final approval.

12 COMMITTEE MEMBER ROBERTI: It's getting
13 complicated.

14 MR. WOCHNICK: But the permit could be issued
15 without the Water Board's approval and --

16 COMMITTEE MEMBER ROBERTI: But then I take it,
17 and maybe I'm mis-hearing you, that if the LEA and the
18 Water Board have approved the plan, that means it's per
19 se approvable by the Waste Board. Maybe we won't
20 approve it for other reasons, but it's approvable. Am I
21 right or am I wrong?

22 MS. NAUMAN: We need more -- one
23 recommendation is more microphones.

24 Let me transfer from a non-technical
25 perspective. I think what you're hearing from some of

1 the speakers is a concern over what has to be in the
2 application package up front to the LEA that then moves
3 onto the Board at the time the Board's considering the
4 permit.

5 What staff is suggesting is that as part of
6 the application package, the closure plan component be
7 approvable, kind of a new term, as opposed to completely
8 approved and signed off by the Water Board. That
9 clearly would take more time. We're not asking to
10 complete the Water Board approval process.

11 COMMITTEE MEMBER ROBERTI: But I thought I
12 heard it has to be approvable by us, not approvable by
13 the Water Board?

14 MS. NAUMAN: And so just follow me for a
15 second.

16 COMMITTEE MEMBER ROBERTI: It has to be
17 approved by the Water Board.

18 MS. NAUMAN: The application package comes in.

19 COMMITTEE MEMBER JONES: For what? An
20 application for what?

21 MS. NAUMAN: An application for a solid waste
22 facility permit.

23 COMMITTEE MEMBER JONES: Thank you, that puts
24 it into a context.

25 MS. NAUMAN: Okay. So here comes the

1 application package, it has a component for the closure
2 plan, and it is not yet approved by the Water Board, but
3 it is of a form that your staff would be able to say to
4 you, "It is complete for our purposes of reviewing and
5 concurring on the proposed solid waste facility permit."

6 You could then issue the permit, and the
7 process could continue then with the Water Board for
8 their ultimate final approval.

9 COMMITTEE MEMBER ROBERTI: Can you help me and
10 tell me what would, at that point when our staff says
11 it's approvable, what would be left open at the Water
12 Board level? I take it that these are matters which are
13 not really in our jurisdiction except maybe of an
14 advisory nature, am I right?

15 MR. WALKER: Yes, they would not be pertinent
16 to issuance of the solid waste facility permit. If
17 there are gross omissions the Water Board is involved in
18 the coordination, we coordinate with them.

19 But the intent here was primarily there, if we
20 had comments, if it's complete approved, the Water Board
21 can send in comments at the end of the 120 day comment
22 period, they may have nothing, nothing related to solid
23 waste facility permit, maybe like a monitoring well
24 construction issue or something. And they can hold off,
25 hold back and restart that permit process just by

1 sending those comments, and that would have no bearing
2 or relevance to the solid waste facility permit. That's
3 why we put in the flexibility for the approvable.

4 COMMITTEE MEMBER ROBERTI: Okay. I
5 understand. And now I'm trying to understand what the
6 request for the delay is.

7 Do, maybe one of the opponents can help -- or
8 not opponents, delayers can help.

9 Are they fearful that what we are asking for
10 is an approved plan? Or what is it in the approvable
11 process that makes you concerned so I can --

12 COMMITTEE CHAIR PAPARIAN: It looks like Mr.
13 Edgar is ready to answer.

14 MR. WALKER: Well let me, let me -- before
15 Evan talks. The reason why we feel it's important to
16 have approvable, is because by having approvable
17 basically allows us, as staff, to use our professional
18 abilities to look at that plan and ensure, not just that
19 it has complete and it has each element, but that there
20 is some quality to it such that we can be confident that
21 the cost estimates that are provided to you and the
22 elements of that closure are sound.

23 And that's what our intent is to, before you
24 issue the permit.

25 COMMITTEE CHAIR PAPARIAN: Mr. Jones, and then

1 we're going to ask Mr. Edgar to respond.

2 COMMITTEE MEMBER JONES: Well I had a question
3 for Mr. Walker because, you know, I want to continue
4 this dialogue because I think we're missing the point.
5 I think that when the audit came along we were emotional
6 about the audit.

7 There are some very significant environmental
8 issues. The rural counties, the fact that they got
9 forced to abandon, not abandon, but change their
10 application from local landfills to hauling out of
11 state, and then they've postponed the closure of a lot
12 of those sites which creates a problem, and now it's a
13 problem with the timing issues.

14 But I think that one of the other things that
15 I don't see in this package, I'm concerned about this
16 package, I'm concerned about it for a couple of
17 reasons.

18 If somebody proposes a landfill that is a 25
19 year landfill site expectancy, you know, life
20 expectancy, which has been an issue that we've talked
21 about quite a bit, and it's based on the delivery of
22 waste at that given time, at that, you know, at that,
23 what's proposed during that permit application; that at
24 the same time they come up with a generalized plan based
25 on the amount of trash that's coming in, to figure out

1 how they're going to have to fund closure, post
2 closure.

3 And it's funded on, you know, if you've got,
4 you know, a million tons worth of waste coming in and a
5 million dollars worth of liability it's a buck a ton
6 basically for everything that comes in to fund.

7 That's worked for an awful lot of years. It
8 doesn't get, have to be revised, basically, unless there
9 is an expansion of the site or there are some changes.

10 What really scares me about this is that to
11 ask for an approved or approvable plan, you're asking
12 for an engineered closure of a site that could be 20, 25
13 years away, to base closure, post closure funding on,
14 okay.

15 But what are we doing when we're looking at
16 technology or we're looking at changes in landfills and
17 we're trying this to an, to a preapproved closure plan?

18 And the way that this works is everytime
19 somebody comes in for a revision to the landfill,
20 everytime, which normally now gets handled with a
21 revision to the JTD or the report of disposal
22 information, and then a simple, or not so simple
23 revision that comes in front of our Board for
24 concurrence, would now need to have a total, could need
25 a revised closure plan is how I read it. That's how I

1 see it.

2 And in experiencing living with this
3 organization for a lot of years, both from out there and
4 in here, I see that as just another tool that's going to
5 just eat up time. And my question is, let's go to the
6 heart of the, let's go to the heart of the audit, okay,
7 what were we trying to do? What is the goal that this
8 regulation is going to do? Where is the insurance that
9 we're going to protect the public health and
10 environment? Okay. Are we asking for a Rolls Royce
11 when we need a Chevrolet?

12 I mean that's a huge issue to me because, I
13 mean we had a landfill that was going through closure
14 that our staff was dealing with, I mean it was almost
15 done and they were dealing with CEQA issues in the
16 middle of closure. Closure happens on a daily basis at
17 a landfill.

18 And when you have that flexibility of making
19 sure the dollars are in place, I think that's an
20 important issue for us to talk about because it could
21 put a halt, it could stop an awful lot of things.

22 And what are we gaining? I mean that's my
23 question. The trickling waste I don't even see as being
24 identified in this package.

25 Because one of the conditions is if you have

1 landfill capacity, you don't necessarily have to go into
2 this, you know, into closure. And that's the whole
3 problem with trickling waste at rural landfills, they
4 have capacity, they just don't want to fill in it. So I
5 think this is --

6 COMMITTEE CHAIR PAPARIAN: Mr. Walker, if you
7 want to respond, and then I think we had Mr. Edgar was
8 going to try to respond to a question Senator Roberti
9 had a little while ago, and then I do have another
10 speaker slip that came in.

11 So go ahead.

12 MR. WALKER: Okay, I'm trying to, let me try
13 to get back. One of the questions was everytime you go
14 in for a revision are you going to have to completely
15 resubmit the closure plan for a whole, you know,
16 approvable process?

17 Well, not unless the facility significantly
18 changed whereby there's an expansion. You know, these
19 regulations would still allow for a simple amendment if
20 there was no significant change in the physical nature
21 of the site that would affect the cost estimate. We're
22 not changing, it would not be changing the state minimum
23 standards with the level of detail too, so it still
24 would be conceptual. That was the one question.

25 COMMITTEE MEMBER JONES: How could it be a

1 conceptual plan? You have a conceptual plan now. When
2 you have an estimate today you're based on some concept
3 to close, why is this different from that?

4 MR. WALKER: It wouldn't. It wouldn't. It's
5 basically, a preliminary plan is essentially, it's
6 preliminary. It's not a project, it's conceptual with a
7 level of detail necessary to certify and have a sound
8 cost estimate should we get to the point of closure, you
9 know, under that permit, it is basically covered.

10 COMMITTEE MEMBER JONES: Right.

11 MR. WALKER: But it's a limited scope.

12 COMMITTEE MEMBER JONES: So what does this
13 change?

14 MR. WALKER: What this would change, what you
15 see in completeness, now closure plans are required to
16 be deemed complete for, in order to concur with the
17 permit. Completeness is, essentially it's much more
18 limited.

19 In other words, they may have a final cover
20 design in there, but the cost estimates may be totally
21 out of whack and; but they have the cost estimate, they
22 have the final cover line item, but it's not adequate,
23 it's complete, but not adequate. And that's the problem
24 with completeness that this was intended to address.

25 And by having approvable, it meant, it

1 provided a fairly, in our, in staff's view, a fairly
2 straightforward sign-off basically to check with regard
3 to our state minimum standards, and that that
4 preliminary plan is really adequate, you know, for our
5 standards, and it's beyond much more of a, you know,
6 sign-off of confidence than beyond the completeness.
7 That's what the intent was.

8 And the Board, last year the Board directed us
9 to come up with that option for approved closure plan.
10 We tried to come up with something that we felt was, you
11 know, most reasonable and as least burdensome as we
12 could put it together in that direction. That's what
13 our goal was and that's what we put together.

14 And again, this is not to approve these
15 regulations, this is just to approve going out with the
16 formal comment period. And at that time we will be
17 able, you know, to get more specific suggestions and
18 language to come in that we can consider, and then come
19 back to the Board.

20 COMMITTEE CHAIR PAPARIAN: Mr. Edgar. I hope
21 you can remember the question which you were going to
22 answer?

23 MR. EDGAR: Senator, Board members, Evan Edgar
24 on behalf of California Refuse Removal Council.

25 What we have now is part of the application

1 package. We need to have, to be complete and correct,
2 and that means adequate. It's complete and correct.
3 And you can have a defensible, credible, technical,
4 professional standby registered civil engineer, and once
5 a year, as part of the closure fund financial
6 assurances, we have to update our amount of the closure
7 amounts, so it's an annual update of the closure fund.

8 So we feel today's application package with
9 complete and correct covers everything that's needed;
10 whereas the term approvable is a new term, it could be
11 stretched in many different directions, it's undefined
12 in a way that we have today with complete and correct.

13 So we have to start with that base and go with
14 complete and correct.

15 COMMITTEE MEMBER ROBERTI: I understand. I
16 appreciate your concern over a new definition, it's also
17 whatever it is entering the world.

18 However, we did have the audit which, of
19 course, concerns the Board. And it appears that
20 complete and direct --

21 MR. EDGAR: Correct.

22 COMMITTEE MEMBER ROBERTI: Complete and
23 correct, excuse me, was, in some instances, inadequate.

24 My own feeling is, I appreciate what the
25 people requesting the delay want, and that is that they

1 do not want to go through unnecessary and burdensome
2 delaying paperwork if essentially they already have a
3 closure plan that is in place and satisfactory, to use a
4 new word, satisfactory for all concerned.

5 However, staff is trying to cover the area
6 that we were dealt a little body blow with, and that is
7 the inadequacy of our current procedures on closure
8 issues, and have come up with this word, which I grant
9 is a new word --

10 MR. EDGAR: Approvable.

11 COMMITTEE MEMBER ROBERTI: Approvable.

12 My own feeling is I don't mind going, I don't
13 mind having staff work on it a little bit longer, I
14 appreciate the direction they're trying to go into
15 because I tend to agree with that.

16 But to the extent that we can restrict excess
17 and burdensome paperwork when something is in place and
18 the request for a change is minor, I don't have a
19 problem with that, but I do want to address the audit
20 too, and I think that's what staff has been trying to
21 do, and I think it's imperative, and I don't think the
22 old language is satisfactory.

23 It certainly won't look like we're trying to
24 do anything, which is a big problem too, if what we do
25 is just come back with that. You have to look at it

1 from our point of view as well.

2 MR. EDGAR: Could we parlay off the complete
3 and correct and add some definition on what is correct?

4 COMMITTEE MEMBER ROBERTI: I don't know. Ms.
5 Nauman, what do you say? It sounds reasonable to me,
6 but I'm not the engineer.

7 MR. WALKER: Again, I think from staff's
8 standpoint we believe that the differences are not great
9 such that they can't be handled as part of the formal 45
10 day comment period.

11 If industry has a specific suggestion to
12 improve the language in the matter, somehow tie in the
13 complete and correct, then the 45 day would be the
14 appropriate, in our view, the appropriate forum to do
15 that. And plus, considering that it will be some time
16 before we go out with the 45 day because of the fiscal
17 impact statement, so they will have even additional
18 time.

19 COMMITTEE MEMBER ROBERTI: Mr. Edgar, you're
20 sort of the designated hitter for the delay side. What
21 do you think of that?

22 MR. EDGAR: The clarification side.

23 COMMITTEE MEMBER ROBERTI: The clarification
24 side, that's better.

25 MR. EDGAR: I think that we'd like to have a

1 complete and correct packet before it goes out for 45
2 day review. So another month would be appreciative.

3 COMMITTEE CHAIR PAPARIAN: We do have one more
4 speaker. John Cupps.

5 MR. CUPPS: Mr. Chairman, members of the
6 committee. For the record, my name is John Cupps, I'm a
7 consultant, I work with a number of clients,
8 particularly on permits.

9 I wasn't really planning on testifying on
10 these regulations but I guess I'm just a little bit
11 troubled by some of the staff comments and responses to
12 questions.

13 One in particular was the comment that was
14 made that these regulations really are not going to
15 significantly delay the permitting process.

16 I would really respectfully disagree with
17 that. The proposed regulations, in fact, are going to
18 require that you have an approved or approvable, I don't
19 think there's really any difference in those two words,
20 closure plan, and that process at a minimum allows, is
21 going to take, I believe it's, well if you count in the
22 thirty days for determination of completeness, 150 days,
23 maybe it's 120.

24 That's essentially, and then -- and I guess
25 I'd like to emphasize the fact that even though staff

1 has referenced the notion that this review could take
2 place concurrently at the same time the permit is
3 reviewing, is being reviewed, and that so you wouldn't,
4 so that that 120 days would not be added to the 150 days
5 that you already have for this Board's review of a
6 proposed, or for review of a proposed permit; I would,
7 in fact, submit that contrary to the assertions, the
8 regulations are very clear that, in fact, you don't
9 start the time clock, the time clock doesn't start on
10 the permit review process until you have that approved
11 plan.

12 And to point that out, you don't have to go
13 through chapter and verse of the details of the
14 regulations, just look on page five of the proposed
15 regulations, there's a note that talks about concurrent
16 review. In fact, the first sentence says,

17 "Note: The operator has the
18 option of submitting the preliminary
19 closure plan with the joint
20 technical document in which case the
21 EA, the Regional Water Quality
22 Control Board, and the CIWMB would
23 review it at the same time."

24 Okay, that sounds like these two processes can
25 go on at the same time so you don't have that, in

1 effect, doubling of the permit review process.

2 The very next sentence, however, says,

3 "If approved by the reviewing
4 agency, the permit application
5 package could then be accepted for
6 filing if all other information in
7 the JTD is accepted by the
8 enforcement agency."

9 In other words, and let me emphasize the
10 point. When the clock, your permit time clock doesn't
11 begin until it's accepted for filing, that's when it's
12 deemed complete and correct.

13 So by virtue of this second sentence in this
14 note, which supposedly is there to assure us that, in
15 fact, you have concurrent review, that second sentence
16 makes it very clear that you, in fact, don't have
17 concurrent review. That the 120 days, 150 days required
18 for reviewing and approving or deeming the closure plan
19 approvable occurs, has to be completed prior to the time
20 that your 120 day or 150 day clock starts on the permit
21 review.

22 So contrary to what staff has said, this
23 permit package as presently proposed will, in fact,
24 double the time required to process a permit.

25 Now, that's troubling, particularly when you

1 take into consideration the fact or suggestions that
2 have been made. In some respects the regulations really
3 miss the point, then there's probably a much simpler, as
4 I believe it was Grace Chan suggested, if the problem is
5 that these closure plans are not being completed in a
6 timely fashion, then let's clear up the fact that they
7 need to be completed within a year after a permit is
8 approved, and let's not burden the permit process with
9 that.

10 Thank you very much.

11 COMMITTEE MEMBER MEDINA: Mr. Chair.

12 COMMITTEE CHAIR PAPARIAN: Yes, Mr. Medina.

13 COMMITTEE MEMBER MEDINA: I appreciate all the
14 work that the staff has done on this item, however,
15 given the concerns expressed by the speakers and Board
16 Member Jones' remarks, I would be inclined to recommend
17 option number three, directing staff to modify the
18 proposed regulations, begin another informal comment
19 period, and return to the Board to notice the proposed
20 regulations at a later date.

21 That would be my motion.

22 COMMITTEE MEMBER JONES: I'll second it but
23 I'd like to have some, to add a little bit to that.

24 COMMITTEE CHAIR PAPARIAN: Go ahead, Mr.
25 Jones.

1 COMMITTEE MEMBER JONES: Thanks, Mr.
2 Paparian.

3 I agree, I think it needs to take time. I
4 don't find fault at all with what the staff is bringing
5 forward, but I do think we need to go back and look at
6 those four Board directive issues and see how they link
7 in these, in this permit package. I think that's
8 important for this committee.

9 Because I'm, what I'm, what bothered me when I
10 read these things is that we have an issue with the
11 rural counties, okay, and there needs to be a way to
12 both, in these regs come up with a way to offer a
13 solution.

14 One of them, and I had talked to our friends
15 from RCRC, would be I don't want to see a rural landfill
16 with six inches or twelve inches of intermediate cover
17 go on forever, that's not protecting the environment.
18 But the closure standard may never give them the ability
19 to reopen in case of an emergency.

20 Because, number one, they may not have the
21 money to do it;

22 And number two, it may stop them from ever
23 having to use it.

24 And I think that that's important for this
25 discussion at a later date. And I, so what I would

1 suggest, Mr. Chair, is that if Mr. Medina will let us
2 add it on as part of the direction, is that at our next
3 committee meeting put this as a time certain item where
4 we can have the discussion between the staff and the
5 stakeholders and this committee, so we can offer some
6 more direction and hear the issues.

7 But before that, as part of the preparation
8 for that meeting, tying what the direction was
9 originally from the Board, because I support it; how you
10 think you're going to achieve it; and then, you know,
11 what was the real problem?

12 We deal a lot with anecdotal memory, okay.
13 I'm the worst, okay, I'm the worst one in this room for
14 doing that. But let's get the facts and figures on how
15 many of these sites were identified in the audit that
16 went into closure without an approved closure plan so
17 that we can analyze that and see how we've got to shape
18 these regs to deal with that issue.

19 I mean does that seem, I mean I don't want to
20 not support any of this, but we gotta know what we're,
21 we're not hitting what was the heart of the issue in
22 these regs.

23 COMMITTEE CHAIR PAPARIAN: I'd like to hear
24 from Senator Roberti.

25 COMMITTEE MEMBER ROBERTI: On Mr. Jones'

1 motion, if we are talking about a absolute time certain,
2 we come back here, or is this Mr. Medina's motion?

3 COMMITTEE MEMBER JONES: Thirty days I said.

4 COMMITTEE MEMBER ROBERTI: In thirty days I
5 don't think I have a problem with that. But I would
6 hate to delay any further than that going out for public
7 review because the further we remove ourselves from the
8 audit, the more that becomes part of our ancient memory
9 until we have a new problem or a new audit that is
10 something that we shouldn't have to deal with.

11 And the more that the, in Mr. Edgar's words,
12 the people seeking clarification won't understand why
13 we're trying to get clarification because it will be
14 their ancient memory too.

15 And obviously their concerns are important to
16 us. But they are the concerns that are borne of our own
17 concern that on closure there's sufficient money, and
18 our concern that when the legislature commissions an
19 audit it means something to us, especially when the
20 audit is adverse.

21 So I don't mind waiting thirty days, because
22 in effect in my mind that just makes the public review
23 period 75 days rather than 45. But at that point, at
24 least as far as my vote is concerned, then I want to go
25 definitely to a 45 day review, and I might be more

1 inclined to a 45 day review without proposed revisions
2 whereas maybe today I would have voted for the 45 day
3 review with suggested revisions to the staff.

4 As far as -- if I just might continue? As far
5 as what I personally am looking for is maybe for a
6 little bit more clarification as between, as to what the
7 staff is intending. Maybe more definition as to what we
8 mean by approvable, that would be helpful, in a broad
9 general sense. I don't want to burden landfill
10 operators with having to go through a whole new process
11 on something that is a minor change only, but I do want
12 to address the real concerns of the audit which I think
13 is what staff has been zeroing in on, and I don't want
14 to dilute that as well. So maybe some more definition
15 as to what is approvable.

16 I still don't quite understand Mr. Cupps' last
17 remarks, because I do think that the process is
18 concurrent as far as the staff getting to the point of
19 what approvable is. They'll decide what is approvable
20 concurrent with the permit being sought.

21 I guess the additional time that Mr. Cupps is
22 concerned is that approved part which is what we're
23 supposed to be doing anyway and independently. At least
24 that's how I understand it.

25 So Ms. Nauman.

1 MS. NAUMAN: Senator, on that last point, I do
2 have something to offer here with respect to some of the
3 statements that Mr. Cupps made, and some clarification
4 for you hopefully.

5 What he was referring to is a note in the
6 regulations, but really the controlling language is in
7 the preceding subparagraph A, and apparently I
8 understand --

9 COMMITTEE MEMBER JONES: What page?

10 MS. NAUMAN: I'm on, in the packet 8-15, in
11 the middle of the page you'll see an A, a capital A with
12 some underlined language, and then the note that was
13 referred to.

14 I understand that Mr. Cupps did have a
15 conversation this morning with Permitting and
16 Enforcement staff and the legal office, and there is
17 acknowledgment on our part that the note itself needs to
18 have some further clarification.

19 COMMITTEE MEMBER ROBERTI: Very good.

20 MS. NAUMAN: But the controlling language
21 still calls for concurrent processing.

22 COMMITTEE MEMBER ROBERTI: Well that can be
23 handled very --

24 MS. NAUMAN: That can be handled very easily.

25 Mr. Chairman, I might suggest as a way to try

1 and come to some agreement on action here; if the
2 committee were to direct staff to take the next thirty
3 days to look at some of these issues, we could very
4 easily meet with the industry representatives during
5 that time and try to finetune some of this and provide
6 the clarification that's being sought, and then be able
7 to come back to you in thirty days with a revised
8 package.

9 It's a little different than Mr. Jones'
10 suggestion that we come back to you kind of in a
11 workshop or an issues discussion. So I see those really
12 as the two options.

13 It's either to work through some of these
14 issues with the committee at the May committee meeting,
15 or to give staff and industry representatives the time
16 between now and then to see if we can come to some
17 common ground on these three or four issues, and then
18 bring back that to the committee so that, in keeping
19 with the Senator's desire, to try and be in a position
20 to actually move the package toward the formal process
21 at that time.

22 COMMITTEE CHAIR PAPARIAN: So Mr. Jones or Mr.
23 Medina, I think it was Mr. Medina's motion, do you have
24 a response?

25 COMMITTEE MEMBER MEDINA: I was friendly to

1 Mr. Jones' amendment, I don't know if he wants to make
2 any modifications to his earlier motion.

3 COMMITTEE MEMBER JONES: I appreciate it, Mr.
4 Medina.

5 I would have no problem. I mean how these
6 things are tied to the direction, and I don't think, and
7 I think the Senator understands, I'm not trying to
8 diminish anything out of the audit, and I have a feeling
9 he knows that, I hope he does.

10 COMMITTEE MEMBER ROBERTI: Yes, I know that.

11 COMMITTEE MEMBER JONES: What I'm really
12 concerned about is that the treatment for those examples
13 of -- I don't see it here. I don't see the triggers
14 other than some artificial timelines or some remedies to
15 take care of closing some of those landfills that are
16 out there that may not have money. I mean there's
17 nothing in here that tells me that if a rural
18 jurisdiction who is used to pledging revenue to close a
19 landfill hits the twelve months without any activity,
20 zero activity, what's the next step? Other than you
21 telling 'em they gotta go into closure, what's the next
22 step? What are you going to do when they tell you, "We
23 ain't got the money, we can't start?"

24 That's all I'm trying to do is actually focus
25 this in a discussion. You know, not so much about what

1 the industry issues are right now, I mean I'm
2 sympathetic to tying up, making sure that we have clear
3 language that says if there is a section on the landfill
4 that's inactive that's gone into intermediate cover
5 because it will become active somewhere down the road as
6 you start hitting grade or whatever you have to do, that
7 that's clear that that does go into closure, then that's
8 fine.

9 The issue about, the compliance issue, you
10 know, compliance with the closure plan, that needs to be
11 worked out, that's fine.

12 What I'm worried about is these regs tell
13 people to do a lot of things but there's no remedy,
14 there's no triggers. That's all I was asking with you
15 saying show us what the issue was and how you tied it to
16 reg so that we have a more complete package other than
17 us throwing our chest out and saying we have the
18 authority.

19 Because you're telling us in the fourth one
20 that asks for a permit for closure, that somehow staff
21 doesn't think it's got the authority to make somebody go
22 into closure.

23 That scares me, because as an operator I
24 always thought you had, I thought we always had quite a
25 bit of authority. And I'm worried about the 1220 issues

1 when we're talking about some of the authority issues;
2 the Water Board clearly has authority on a lot of stuff,
3 I don't know that we can just wrestle some of that away
4 in these regs.

5 So how you tie these things together is
6 critical to me so that we come out with a package that,
7 not just appease people that are worrying about how
8 we're going to deal with the audit, but actually gives
9 clear direction to LEAs and Board staff on how we're
10 going to treat what are very significant issues.

11 And so Mr. Medina, I haven't helped you any.
12 I mean I would hope that staff understood that
13 direction, and if they can bring that forward in the
14 next thirty days we don't need to have a workshop here,
15 and I appreciate that you were friendly to that.

16 Because I don't want you to just concentrate
17 on the industry is I guess what I'm saying, I want to
18 look at the bigger issues.

19 COMMITTEE CHAIR PAPARIAN: I see Ms. Nauman
20 nodding.

21 MS. NAUMAN: I believe we can do what Mr.
22 Jones is requesting of us within the next thirty days,
23 and bring that whole picture of tying pieces together as
24 well as a resolution.

25 COMMITTEE MEMBER JONES: Let me withdraw a

1 motion for option three and just restate a new motion
2 that, basically given staff's willingness to work with
3 industry over the next thirty day period we'll bring
4 this item back for further discussion at our next
5 monthly meeting.

6 COMMITTEE CHAIR PAPARIAN: Okay. Mr. Jones?

7 COMMITTEE MEMBER JONES: I'll second.

8 COMMITTEE CHAIR PAPARIAN: Mr. Jones seconds
9 that. Okay.

10 MS. NAUMAN: Okay. So we will be back in
11 thirty days.

12 COMMITTEE CHAIR PAPARIAN: Hold it, hold out,
13 we'll probably need to call the roll on that motion.
14 Yes.

15 Secretary call the roll.

16 COMMITTEE SECRETARY FARRELL: Jones?

17 COMMITTEE MEMBER JONES: Aye.

18 COMMITTEE SECRETARY FARRELL: Medina?

19 COMMITTEE MEMBER MEDINA: Aye.

20 COMMITTEE SECRETARY FARRELL: Roberti?

21 COMMITTEE MEMBER ROBERTI: Aye.

22 COMMITTEE SECRETARY FARRELL: Paparian?

23 COMMITTEE CHAIR PAPARIAN: Aye. Motion
24 carries.

25 I see Mr. Cupps anxious to have the last word.

1 MR. CUPPS: Can you clarify whether or not
2 this will not go forward to the Board then?

3 COMMITTEE CHAIR PAPARIAN: The question is
4 whether this will not go forward to the Board?

5 MS. NAUMAN: Yeah. No, I hear that the
6 committee is holding the item here.

7 MR. CUPPS: That's what I assume.

8 MS. NAUMAN: And we'll come back in thirty
9 days.

10 MR. CUPPS: But I just wanted to clarify and
11 be sure that that's, in fact, what the committee
12 procedures were.

13 Thank you very much.

14 COMMITTEE CHAIR PAPARIAN: It's my hope that
15 we will be able to get through the rest of the agenda
16 before we break for lunch. So we may be, and also my
17 hope is to be able to do that by 12:30, so we'll see how
18 we're able to move along with the next few items.

19 MS. NAUMAN: We have four permits next on the
20 agenda. The next is committee item agenda ten which
21 correlates to item number nine in the Board agenda
22 package, and this is consideration of a revised full
23 solid waste permit for the Union Mine Disposal Site in
24 El Dorado County, and Christine Karl will make the
25 presentation.

1 MS. KARL: I have to say I'm honored to be
2 presenting the first permit heard under the new
3 committee, and I'll be even more excited if I go on
4 consent.

5 (LAUGHTER.)

6 MS. KARL: The Union Mine Disposal Site is
7 owned and operated by the County of El Dorado, and the
8 LEA is the Placer County Department of Environmental
9 Health.

10 The proposed permit inserts language to
11 describe the actual operations as they're occurring
12 without changing the maximum allowable tonnage of
13 vehicles in the current permit.

14 The facility disposes of 140 tons worth of
15 sludge cake, and some municipal solid waste
16 approximately twice a month.

17 The changes for the existing permit are
18 decreases in the final elevation from 1,500 feet mean
19 sea level to 1,378 feet.

20 The final design capacity is scaled down from
21 5.2 million cubic yards to 195,000 cubic yards.

22 And the closure date changes from 2032 to
23 2015.

24 At the recommendation of some CEQA review
25 staff, we made some clarifying language changes.

1 And so we're ready to recommend concurrence in
2 the solid waste facility permit 09-AA-0003, and adoption
3 of Resolution 2002-167.

4 Both the Placer County LEA and representatives
5 from El Dorado County are here if you have any
6 questions.

7 And this concludes staff presentation.

8 COMMITTEE CHAIR PAPARIAN: So you did make all
9 the findings?

10 MS. KARL: Yes, all the findings have been
11 made.

12 COMMITTEE CHAIR PAPARIAN: Okay. Mr. de Bie.

13 MR. DE BIE: Mr. de Bie with Permitting and
14 Inspection.

15 Just to clarify one thing in the version of
16 the permit package that exists today, there will be a
17 slight revision to that version of the permit to address
18 the issues that Christie mentioned.

19 They're very basic --

20 MS. KARL: It's really just the one thing.
21 Item D we're taking out the word trips.

22 MR. DE BIE: Right, it's just to make the
23 permit consistent with the two parts, the front page and
24 the finding or the conditions.

25 COMMITTEE CHAIR PAPARIAN: Okay. Any

1 questions or comments? Motion?

2 COMMITTEE MEMBER MEDINA: Mr. Chair, I'd like
3 to move Resolution 2002-167, consideration of a revised
4 full solid waste facilities permit disposal facility for
5 Union Mine Disposal Site in El Dorado County.

6 COMMITTEE MEMBER ROBERTI: I'll second.

7 COMMITTEE CHAIR PAPARIAN: Okay. We'll call
8 the roll.

9 COMMITTEE SECRETARY FARRELL: Jones?

10 (No response.)

11 COMMITTEE SECRETARY FARRELL: Medina?

12 COMMITTEE MEMBER MEDINA: Aye.

13 COMMITTEE SECRETARY FARRELL: Paparian?

14 COMMITTEE CHAIR PAPARIAN: Aye.

15 COMMITTEE SECRETARY FARRELL: Roberti?

16 COMMITTEE MEMBER ROBERTI: Aye.

17 COMMITTEE CHAIR PAPARIAN: Okay. We'll hold
18 the roll open for Mr. Jones before finalizing that.

19 Next item.

20 MS. NAUMAN: Next item is item number 11
21 correlating to item number ten in the Board packet and
22 it's Board consideration --

23 COMMITTEE CHAIR PAPARIAN: I'm sorry, before
24 you do that, Mr. Jones just came back.

25 We're on a three zero vote on the last item

1 involving the Union Mine Disposal Site.

2 COMMITTEE MEMBER JONES: To concur?

3 COMMITTEE CHAIR PAPARIAN: To concur.

4 COMMITTEE MEMBER JONES: Okay. Aye.

5 COMMITTEE CHAIR PAPARIAN: Okay. Jones, aye.

6 We'll recommend that for consent.

7 MS. NAUMAN: Okay. So this is item 11,
8 consideration of a new full solid waste facilities
9 permit, compost facility, for the South Valley Organics
10 Compost Facility at the NorCal Waste Systems Pacheco
11 Pass Landfill in Santa Clara County.

12 Laura Niles will make the presentation.

13 MS. NILES: Good morning or afternoon. Thank
14 you, Julie.

15 We're here to present the item for South
16 Valley Organics which was formerly Pacheco Pass
17 Composting. They were, they're located near Gilroy at
18 Pacheco Pass Landfill.

19 The previous existing permit was a
20 registration permit issued in October, 2000, and it
21 allowed 5,000 cubic yards a day.

22 This permit will be asking for an average of
23 450 tons per day with a peak of 750 tons per day.

24 The compost side will be expanding from 11
25 acres to 18.3 acres, and a new feedstock will be added,

1 food waste will continue, or is going to start coming
2 in, but they will be continuing the use of the ag bag
3 composting process with the windrow process for green
4 waste.

5 The negative declaration was adopted by the
6 Santa Clara Planning Commission on April 4th last week.
7 It was first heard on March 7th.

8 Our CEQA staff has now made the acceptable
9 findings for CEQA. Because there was some changes with
10 the CEQA, the LEA felt there was some more need for
11 clarification in the permit, and a finding 13A was
12 added.

13 I'm not sure if you have copies of those
14 permits, probably not because it came in on Friday. And
15 we'll get them to you as soon as we can. I do have a
16 couple of copies here if you'd like?

17 COMMITTEE CHAIR PAPARIAN: We do have copies
18 of a proposed permit in front of us, is it, are we
19 talking about the same thing?

20 COMMITTEE MEMBER JONES: 13A is part of the
21 findings.

22 MS. NILES: 13A was a new finding that was
23 made on Friday.

24 COMMITTEE CHAIR PAPARIAN: The finding on 13A
25 is that the permit is consistent with standards adopted

1 by CIWMB --

2 MS. NAUMAN: Actually there's a new A, Mr.
3 Paparian, and I apologize for this because it was,
4 again, very late in the process of negotiating these
5 final changes.

6 The new finding 13A reads that,

7 "The LEA finds that 11 acres
8 are currently available for
9 composting activities at the site.

10 As part of the mitigation measures
11 identified in the negative
12 declaration, other agency approvals
13 shall be provided prior to the
14 development of the additional 7.3
15 acres allowed by this SWFP."

16 COMMITTEE CHAIR PAPARIAN: What are the other
17 agency approvals we're talking about?

18 MS. NILES: There's the local public works
19 grading -- and what was the other one?

20 UNIDENTIFIED SPEAKER: Land development survey
21 and engineering.

22 MS. NILES: Land development survey and
23 engineering And Fish and Game.

24 Apparently there's an endangered species issue
25 which they have to do a study, the operator will have to

1 do a study to make sure that, to continue this pad out
2 that it will, it's just for the buildout of the actual
3 compost pad.

4 The all weather pad comes into play with the
5 conditions Q and R. Two other conditions were added, Q
6 and R, which is,

7 "The LEA will review and
8 approve in writing all composting
9 areas for use during both dry and
10 wet seasons; wet season being
11 October 15th and April 15th of each
12 year, in order to prohibit all
13 composting activities in dirt, all
14 non-weather areas of the facility
15 during the wet season."

16 And condition R was,

17 "The capacity of feedstock and
18 active compost material that can't
19 be stored on-site during the dry and
20 wet seasons, and the length of time
21 in which the compost must be
22 processed, shall be approved by the
23 LEA."

24 COMMITTEE CHAIR PAPARIAN: Okay. Does that
25 complete your presentation?

1 MS. NILES: All the findings have been made,
2 and staff recommends the Board concur in permit
3 43-AA-0017, and adopt Resolution 2002-168.

4 The operator, Don Gamblin and Paul Sherman are
5 here, and the LEA is Chris Reynold if there are any
6 additional questions.

7 And this concludes staff's presentation.

8 COMMITTEE CHAIR PAPARIAN: I have one speaker
9 slip. Do you want to ask your question before the
10 speaker? Go ahead, Senator Roberti.

11 COMMITTEE MEMBER ROBERTI: Yeah, just a
12 clarification. On our Board agenda item briefly on
13 proposed traffic, and maybe the operators can explain as
14 well as our staff. But it says,

15 "Permitted traffic currently is
16 ten vehicles per day at the compost
17 facility, and the proposed traffic
18 would be 260 vehicles a day combined
19 for the compost facility and Pacheco
20 Pass Landfill."

21 Is that, is that a digression from what the
22 current --

23 MS. NILES: The study used the parcel as, for
24 the CEQA, purposes of CEQA they used the parcel for the
25 traffic study not two separate permits. And so the

1 traffic for the compost facility is included as part of
2 the traffic study for the landfill. So it's kind of the
3 landfill traffic since they use the same entrance. So
4 it will be counted against the landfill traffic.

5 COMMITTEE MEMBER ROBERTI: So it will be
6 counted. How much traffic currently is permitted at the
7 landfill?

8 MS. NILES: 260.

9 COMMITTEE MEMBER ROBERTI: 260?

10 MS. NILES: Yeah. It's only open to
11 commercial haulers, this landfill is not open to the
12 public.

13 COMMITTEE MEMBER ROBERTI: So currently it's
14 260 including the ten vehicles at the compost facility
15 which, under the proposed regulations those ten vehicles
16 will be counted against the 260, so it's really the --
17 am I right?

18 MS. NILES: Yeah.

19 COMMITTEE MEMBER ROBERTI: Then that's not a
20 change really?

21 COMMITTEE MEMBER JONES: Right.

22 MR. DE BIE: What the permit for this compost
23 facility attempts to do is clarify that the vehicles
24 entering the whole of the site, landfill compost, are
25 260 total for all of the site. And it just recognizes

1 that some of those go to the landfill, some of those go
2 to the compost facility, but at any one time there
3 should not be more than 260 entering the greater area.
4 So it just recognizes that one is a subset of the other.

5 COMMITTEE MEMBER ROBERTI: Thank you.

6 COMMITTEE CHAIR PAPARIAN: Okay. Mr. Don
7 Gamblin -- I'm sorry, Mr. Medina, did you have a
8 question?

9 COMMITTEE MEMBER MEDINA: Yes, I have a
10 question. In regard to why is there a need for
11 different conditions for wet or dry weather?

12 MS. NILES: The 1997 conditional use permit
13 required that an all weather pad be placed during
14 composting activities during the wet season, and
15 currently there are three acres that are all weather,
16 and four acres that are graded for actual composting.

17 In the wet season they are, the new condition
18 requires them to be placed on the all weather pad. So
19 it gives us assurance that either they'll be placed on
20 the all weather pad or it will have to go somewhere
21 else.

22 COMMITTEE CHAIR PAPARIAN: Mr. Gamblin.

23 MR. GAMBLIN: Donald Gamblin, NorCal Waste
24 Systems representing the composting facility.

25 And I primarily just wanted to acknowledge my

1 presence here in case anybody had any questions that we
2 could address on this matter.

3 COMMITTEE CHAIR PAPARIAN: Any questions for
4 Mr. Gamblin?

5 No.

6 MR. GAMBLIN: Okay. Thank you.

7 COMMITTEE MEMBER JONES: Mr. Chair.

8 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

9 COMMITTEE MEMBER JONES: I want to make a
10 comment before I make a motion to adopt this thing. I
11 know that there has been a lot of issues on this site
12 about our involvement in CEQA, and that there were
13 operating issues that were dealt with as CEQA, and I
14 think at some point this committee needs to get a, a
15 real clear presentation about what those different roles
16 are.

17 Because I get nervous when I see that, that
18 conditions have been negotiated because, you know,
19 clearly when they're at the last minute and people get
20 held up, we get kind of nervous as state staff when we
21 see LEAs doing certain things, and I don't want us to be
22 guilty of the same thing.

23 And I have every faith in Ms. Nauman that at
24 some point we'll get some kind of a, of a explanation as
25 to what the role of our staff is in CEQA when it's

1 dealing with operating issues.

2 I mean clearly the Senator's question about
3 the increase in cars, you know, it's what, and this was
4 the same issue that came up in Newby Island. They were
5 governed by how many could enter the gate, and then it
6 was where do the vehicles go, do they go to composting,
7 the MRF, or the landfill?

8 Well CEQA addressed how they get there, but
9 there was a whole lot of issues that, and I think the
10 same thing has happened here and I think it's fair to
11 this committee and to the Board that we just get an
12 explanation.

13 Because, quite frankly, my frustration, as you
14 know, goes up and down because I want, it's these kinds
15 of issues that make it hard for me to go along with the
16 adoption of a closure, post closure reg package.
17 Because we seem to exercise our authority on certain
18 people more than we do on other people. And while I
19 know it has always been your goal to treat everybody the
20 same, it makes me crazy because I've endured that kind
21 of treatment.

22 I don't know if you need to respond as much as
23 I need to make a motion, but I would, I mean wouldn't we
24 like to hear a little thing about CEQA some day?

25 COMMITTEE CHAIR PAPARIAN: I'm sure we'll have

1 many interesting discussions about where our authority
2 begins and where it ends.

3 COMMITTEE MEMBER JONES: Mr. Chair.

4 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

5 COMMITTEE MEMBER JONES: I'll move adoption of
6 Resolution 2002-168, consideration of a full solid waste
7 facility permit, composting facility, for the South
8 Valley Organic Compost Facility at Norcal's Pacheco
9 Pass.

10 COMMITTEE MEMBER MEDINA: Second.

11 COMMITTEE CHAIR PAPARIAN: Moved by Mr. Jones,
12 seconded by Mr. Medina.

13 Secretary can call the roll.

14 COMMITTEE SECRETARY FARRELL: Jones?

15 COMMITTEE MEMBER JONES: Aye.

16 COMMITTEE SECRETARY FARRELL: Medina?

17 COMMITTEE MEMBER MEDINA: Aye.

18 COMMITTEE SECRETARY FARRELL: Roberti?

19 COMMITTEE MEMBER ROBERTI: Aye.

20 COMMITTEE SECRETARY FARRELL: Paparian?

21 COMMITTEE CHAIR PAPARIAN: Aye. That one is
22 recommended for consent.

23 Next item.

24 MS. NAUMAN: Next item on your agenda is item
25 number 12 and it's consideration of a revised full solid

1 waste facility permit for the Scotts San Joaquin County
2 Regional Composting Facility in San Joaquin County.

3 Keith Kennedy will make the presentation.

4 MR. KENNEDY: Good afternoon, committee
5 members and chairman.

6 The Scotts San Joaquin County Regional
7 Composting Facility is now applying for two minor
8 changes to their permit: an increase in truck traffic
9 from 25 to 30 vehicles per day; and an increase in yard
10 waste storage time from three days to seven days.

11 The increase in vehicles per day is to
12 accommodate the change in yard waste collection
13 practices in San Joaquin County. Essentially the county
14 is using smaller trucks to pick up yard waste, thus more
15 trucks are entering the facility. The change in
16 vehicles will not affect the maximum permitted tons per
17 day.

18 The increase in yard waste storage time would
19 allow for an accumulation of feedstock and more
20 consecutive days of grinding at the facility. Since an
21 outside vendor is subcontracted for grinding operations,
22 having a larger feedstock pile would improve operational
23 efficiency at the facility.

24 Board staff have determined that all the
25 requirements for a permit have been fulfilled.

1 In conclusion, staff recommends that Board
2 adopt Board Resolution 2002-166 concurring with the
3 issuance of solid waste facility permit number
4 39-AA-0026.

5 COMMITTEE CHAIR PAPARIAN: Questions or
6 comments?

7 MR. KENNEDY: This concludes my presentation.

8 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

9 COMMITTEE MEMBER JONES: Mr. Chair, I'll move
10 adoption of Resolution 2002-166, consideration of a
11 revised full solid waste facility permit, composting
12 facility, for the Scotts San Joaquin County Regional
13 Composting Facility in San Joaquin County.

14 COMMITTEE MEMBER MEDINA: Second.

15 COMMITTEE CHAIR PAPARIAN: Moved by Mr. Jones,
16 seconded by Mr. Medina.

17 Secretary will call the roll.

18 COMMITTEE SECRETARY FARRELL: Jones?

19 COMMITTEE MEMBER JONES: Aye.

20 COMMITTEE SECRETARY FARRELL: Medina?

21 COMMITTEE MEMBER MEDINA: Aye.

22 COMMITTEE SECRETARY FARRELL: Roberti?

23 COMMITTEE MEMBER ROBERTI: Aye.

24 COMMITTEE SECRETARY FARRELL: Paparian?

25 COMMITTEE CHAIR PAPARIAN: Aye. That one is

1 recommended for consent.

2 Next item.

3 MS. NAUMAN: Our last permit item is item
4 number thirteen, consideration of a new standardized
5 composting permit for Organics Recycling and Green Waste
6 Composting Facility in San Diego County.

7 And Tad Gebrehawariat will make the
8 presentation.

9 MR. GABREHAWARIAT: Good afternoon, I guess.

10 As I begin I'd like to report also that the
11 LEA for the City of San Diego, and also Mr. Rich
12 Flanders who is representing the operator of the
13 facility, they are all here to answer any questions you
14 may have.

15 The proposed new standardized permit is to
16 allow the continued operation of the existing facility
17 with the following changes.

18 Now the entire 28, 26 acres of the property
19 will be used for composting and associated activities
20 instead of the current 20 acres.

21 The facility will also have a permitting
22 capacity of 287, a little over 287,000 cubic yards
23 instead of the current 450,000 because the operator is
24 now using a more accurate conversion factor.

25 The quantity of the daily tonnage will

1 increase from 240 to 304 tons to account for the
2 additional hundred tons per day of gypsum that the
3 operator intends to use as additive or amendment in the
4 composting process.

5 As we've indicated in the agenda item, on I
6 believe 13-3, the, all the requirements for the proposed
7 permit have been met.

8 Therefore, staff recommend that the Board
9 adopt solid waste facility permit decision number
10 2002-165 concurring with the issuance of standardized
11 permit number 37-AA-0905.

12 This concludes staff presentation.

13 COMMITTEE CHAIR PAPARIAN: Questions or
14 comments?

15 Mr. Jones.

16 COMMITTEE MEMBER JONES: Mr. Paparian. I'd
17 like to move adoption of Resolution 2002-165,
18 consideration of a new standardized composting permit
19 for the Organic Recycling West Green Composting Facility
20 in San Diego County.

21 COMMITTEE MEMBER MEDINA: Second.

22 COMMITTEE CHAIR PAPARIAN: Moved by Mr. Jones,
23 seconded by Mr. Medina.

24 Call the roll.

25 COMMITTEE SECRETARY FARRELL: Jones?

1 COMMITTEE MEMBER JONES: Aye.

2 COMMITTEE SECRETARY FARRELL: Medina?

3 COMMITTEE MEMBER MEDINA: Aye.

4 COMMITTEE SECRETARY FARRELL: Roberti?

5 COMMITTEE MEMBER ROBERTI: Aye.

6 COMMITTEE SECRETARY FARRELL: Paparian?

7 COMMITTEE CHAIR PAPARIAN: Aye. That one is
8 recommended for consent.

9 MS. NAUMAN: Our final item, item fourteen, or
10 at least item thirteen in the Board packet, is
11 discussion and request for direction, excuse me, on
12 formally noticing proposed regulations for construction
13 and demolition debris and inert debris disposal
14 regulatory requirements.

15 Before I turn it over to Allison Reynolds I
16 just wanted to, for the record, remind the Board members
17 that late last week we sent up a summary of the data
18 gathered during the mine survey developed through our
19 interagency agreement with the University of California
20 at Davis. If you have any questions about that summary
21 now or later we'll be happy to answer your questions at
22 that time.

23 There is a relationship between these two,
24 we're not intending to spend a lot of time today talking
25 about that data, but we do want you to have this

1 background so you'll understand the linkage between that
2 and some of the provisions in this phase two of the
3 construction and demolition and inert debris
4 regulations.

5 And with that, I'll turn it over to Allison
6 Reynolds.

7 MS. REYNOLDS: Good morning, Mr. Chair and
8 committee members. My name is Allison Reynolds.

9 The purpose of this item is to bring forward
10 for consideration by the committee direction to notice
11 the proposed regulations for construction and demolition
12 and inert debris disposal operations and facilities.

13 Staff held Northern and Southern California
14 workshops in late February and early March in order to
15 solicit input around resolvable key issues of the phase
16 two regulations.

17 The input from these workshops resulted in the
18 next draft version of the regulations dated March 29th,
19 2002.

20 Staff e-mailed this latest draft version to
21 the interested parties distribution list on Tuesday of
22 last week. The revised draft regulations were also
23 posted on the Board's website last Wednesday to assist
24 stakeholders in their review of the regulations.

25 And at the March, 2002, Board meetings, Board

1 staff gave an update on the status of the development of
2 this phase of the regulatory process.

3 I'll now address some key issues to the draft
4 regulations since the workshops.

5 Staff reworded a definition of "naturally
6 occurring rock in soil." Staff limited the type of
7 inert debris that can be disposed of at inert debris
8 fill operations and EA notification tier to only
9 concrete, fully cured asphalt, brick, ceramic, glass,
10 clay and clay products.

11 And due to the potential impacts to public
12 health and safety and the environment and questionable
13 benefits of old inert type A material, sustainable
14 engineered product, no plastic, composite roofing
15 shingles, and fiberglass will be allowed as fill.

16 Staff has determined that plastic, composite
17 roof and shingles and fiberglass can be added at inert
18 debris type A disposal facilities placed in the
19 registration tier.

20 Staff have added an allowance of dimensional
21 lumber in an amount not exceeding one percent by law,
22 and calculated on a daily basis, at inert debris type A
23 disposal facilities.

24 Staff have a separate category for CDI
25 disposal facilities which require a full permit, and

1 reference pertinent requirements in Title 27.

2 As proposed by staff, this type of facility
3 will have identical oversight to a municipal solid waste
4 disposal facility.

5 Staff met with representatives at the State
6 Water Resources Control Board about interfacing these
7 draft regulations with the inert debris definition and
8 also the CDI disposal facility requirements for Title
9 27.

10 Staff has omitted placing shredded tires in
11 either the inert debris type A or type B category,
12 because there is a need for further research to
13 determine a reasonable percentage of shredded tires to
14 be blended with other inert material types, following up
15 the operations that Board staff have addressed in phase
16 two construction, demolition, and inert debris disposal
17 regulations.

18 Now I'd like to show the Board and the
19 audience a PowerPoint presentation that shows the
20 proposed regulation while concentrating on issues of
21 most interest.

22 The following slide shows the inert debris
23 definition. It's important to understand that if any
24 operation or facility fails any part test in this
25 definition it will be subject to Article 6.0, Transfer

1 Processing Operation and Facilities Requirements.

2 And the next slide. And the EA is responsible
3 for enforcing these tests.

4 Inert type B debris is solid waste that is
5 specifically determined to be inert by the applicable
6 Regional Water Quality Control Board but is not included
7 in the definition of type A debris.

8 Type B material can be treated industrial
9 waste -- and we will exclude the auto shredder waste
10 definition from the list, and that was a staff
11 oversight. And that's on recommendation of the State
12 Water Resources Control Board -- de-watered
13 bentonite-based drilling mud and similar wastes. And
14 Board staff is exploring the possibility of adding in
15 the definition of shredded tires.

16 Here's an overview of the criteria that
17 construction, demolition, and inert disposal operations
18 and facilities have to meet.

19 Board staff proposes that these activities be
20 placed in the full permit tier to ensure a higher degree
21 of EA oversight with monthly inspections. And they also
22 must file a report with the EA.

23 These facilities can accept lumber, gypsum,
24 wallboard, cardboard, and other packaging materials;
25 roofing materials, carpeting, plastic pipe and other

1 inert debris type A materials.

2 These facilities may require a landfill liner
3 to ensure groundwater quality due to the nature of the
4 materials disposed, and will be subject to closure, post
5 closure maintenance, operating liability, corrective
6 action, disposal reporting requirements, and the CIWMB
7 disposal fee.

8 Because of the similarity of threat to public
9 health and safety and the environment, staff propose to
10 combine inert debris type B disposal facilities within
11 this facility category.

12 This slide shows what registration permit
13 requirements apply to an inert debris disposal
14 facility. These sites will be inspected monthly, and
15 must file a plan with the EA.

16 From Board staff perspective, the disposal of
17 this debris presents the need for a higher degree of EA
18 oversight than the EA notification tier because the type
19 of inert debris poses a higher potential for
20 contamination, and because the disposal debris does not
21 present a productive end use.

22 Inert type a debris includes plastic,
23 composite roofing shingles, fiberglass, concrete, fully
24 cured asphalt, uncontaminated soil, rock, clay, gravel,
25 clay products, bricks, ceramics, and glass.

1 These facilities are subject to closure, post
2 closure, maintenance, operating liability, corrective
3 action, disposal reporting requirements, and the CIWMB
4 disposal fee.

5 And the staff received a phone call from Kern
6 County LEA Bill Arulian who could not make it today, but
7 he wanted staff to address what percent of wood waste in
8 the regulations that he believes should be consistent
9 with the WDR.

10 COMMITTEE MEMBER ROBERTI: WDR?

11 MS. REYNOLDS: Oh, waste discharge
12 requirements through the Water Board.

13 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

14 COMMITTEE MEMBER JONES: Just a question. I'm
15 sorry, just a question before you go too much further.

16 I went down and met with Mr. Arulian. Are you
17 guys going to address that issue where he's talking
18 about a facility that's been operating and the Water
19 Board has already signed off, the Waste Board has
20 already signed off, it was an unclassified site, and
21 it's almost at, it's almost at its closure level? I
22 mean, are you guys preparing these to at least address
23 some of those issues? Because there's probably more
24 than one.

25 MS. REYNOLDS: I believe this one in question

1 has a twelve percent allowable limit.

2 COMMITTEE MEMBER JONES: Right, under the
3 Water Board.

4 MS. REYNOLDS: And right now we have a one
5 percent limit, so it's a decision that we'll have to
6 come to terms with before --

7 COMMITTEE MEMBER JONES: So that will be in
8 the, like you're going to think about it, figure out
9 what it is, and bring it in the next iteration?

10 MS. REYNOLDS: Sure. Yes.

11 COMMITTEE MEMBER JONES: Okay. And just one
12 other question. On the plastic that you say could be
13 taken at an inert site, does that include a truckload of
14 loose plastic shopping bags?

15 MS. REYNOLDS: At the facility?

16 COMMITTEE MEMBER JONES: They are plastic,
17 yeah.

18 MS. REYNOLDS: At the facility, it could
19 include that.

20 COMMITTEE MEMBER JONES: Okay. So then what
21 are the issues with litter? You know, I mean the fact
22 that it's not going to create much of a problem from the
23 standpoint of pollution is one thing, but you need to
24 make sure that you're dealing, you've got something in
25 there that's going to deal with it from the standpoint

1 of nuisance is all I'm cautioning you on.

2 MS. REYNOLDS: And that's a good point.

3 Actually all of the same minimum standards should apply
4 as a disposal facility.

5 COMMITTEE MEMBER ROBERTI: Are we, are you
6 proposing that we take in plastics to inert sites?

7 MS. REYNOLDS: It could be allowable but it
8 has to meet the definition of inert debris material, it
9 has to be source separated and separated for use.

10 COMMITTEE MEMBER ROBERTI: Source separated
11 and separated for use? What does all that mean?

12 MS. REYNOLDS: From the solid waste stream,
13 the municipal solid waste stream.

14 COMMITTEE MEMBER ROBERTI: So if the, I
15 thought plastics were flammable, am I right or am I
16 wrong?

17 MS. REYNOLDS: The Water Board does have a
18 definition that is a little broader than ours so that's,
19 actually I'm going to be going in a little bit further
20 and I'll describe --

21 COMMITTEE MEMBER ROBERTI: Well does our,
22 let's take our definition. Does our definition take in
23 the aspect of flammability?

24 MS. REYNOLDS: Yes. And the reason why we are
25 tiering in the disposal facility tier, having it at a

1 higher tier is because it does have the flammable, the
2 asphalt roofing shingles, the plastics, considering
3 shredded tires maybe.

4 COMMITTEE MEMBER ROBERTI: Well, is there
5 anything else in this tier that's flammable besides
6 plastics and tires?

7 MS. REYNOLDS: The composite roofing shingles,
8 I believe, are flammable.

9 The Water Board does consider these inert
10 material, but we have excluded them from the inert
11 debris engineered fill operation tier, or excuse me,
12 category just for that reason, so that we have the
13 clean, typical, traditional inerts in a tier with lower
14 oversight.

15 COMMITTEE MEMBER ROBERTI: The inert inerts?

16 MS. REYNOLDS: Inert inerts.

17 COMMITTEE MEMBER ROBERTI: What classification
18 are they?

19 MS. REYNOLDS: EA notification.

20 COMMITTEE MEMBER ROBERTI: So they're A? The
21 inert inerts, what classification are they?

22 MS. REYNOLDS: They are included in type A,
23 but what we've done, and we had our legal staff look at
24 it, is that this is type A broadly in the registration
25 tier, but we've narrowed it down to just the inert

1 inerts for the inert debris engineered fill operation.

2 So we've tried to keep it very --

3 COMMITTEE MEMBER ROBERTI: Okay. So for very,
4 for engineered fill it is the inert inerts, and what's
5 that, what do we call that, what's our technical word
6 for that? Type A?

7 MS. REYNOLDS: We haven't come up with a good
8 one yet.

9 COMMITTEE MEMBER ROBERTI: Oh, you have come
10 up with one yet. Inert inerts is good.

11 MS. REYNOLDS: Traditional inerts is what I
12 would say.

13 COMMITTEE MEMBER ROBERTI: Traditional inerts,
14 okay. And shredded tires, some plastics, and roofing
15 shingles, what classification are they?

16 MS. REYNOLDS: They are still type A.

17 COMMITTEE MEMBER ROBERTI: They're type A. So
18 they can be disposed of in an inert facility, but they
19 can't be used for engineering fill?

20 MS. REYNOLDS: Exactly.

21 COMMITTEE MEMBER ROBERTI: Am I right?

22 MS. REYNOLDS: Right.

23 COMMITTEE MEMBER ROBERTI: What about
24 something like palm fronds?

25 MS. REYNOLDS: That would be a decomposable

1 waste and that is not inert.

2 COMMITTEE MEMBER ROBERTI: So that is not
3 inert at all? Because I've heard some iterations in my
4 tenure on the Board which included palm fronds as
5 inerts. But you're saying that we aren't covering that?

6 MS. REYNOLDS: No, though we are allowing one
7 percent of dimensional lumber at this point, and we may
8 change that to --

9 COMMITTEE MEMBER ROBERTI: One percent of?

10 MS. REYNOLDS: And that would only be in the
11 registration tier.

12 COMMITTEE MEMBER ROBERTI: I didn't quite
13 understand you. We are allowing for -- I didn't
14 understand what is this one percent we're allowing?

15 MS. REYNOLDS: It's a dimensional lumber.
16 We're allowing that at the request of industry.

17 COMMITTEE MEMBER ROBERTI: I don't know what
18 dimensional lumber is.

19 MS. REYNOLDS: Oh, excuse me, it's like
20 pallets, wood pallets.

21 COMMITTEE MEMBER ROBERTI: You got me.

22 MS. REYNOLDS: Well we may change it to wood
23 waste just for that, for that reason.

24 COMMITTEE MEMBER ROBERTI: Okay. I don't
25 understand the dimensional, what's the dimensional?

1 MR. DE BIE: We wanted to make a distinction
2 between green materials, branches and twigs and that
3 kind of thing, or lumber or processed wood --

4 COMMITTEE MEMBER JONES: Two by fours.

5 MR. DE BIE: -- two by fours, things you would
6 find at a house, pallets, those sorts of things. So
7 we're allowing a small percentage of those to go into --

8 COMMITTEE MEMBER ROBERTI: So of processed
9 woods.

10 MR. DE BIE: Dimensional lumber is the term
11 we're using.

12 COMMITTEE MEMBER ROBERTI: Oh, I thought she
13 said dimensional number. Dimensional lumber.

14 MS. REYNOLDS: Dimensional lumber.

15 COMMITTEE MEMBER ROBERTI: Dimensional lumber,
16 okay. Dimensional lumber, one percent, that sort of
17 processed wood, now that's going where, that we're
18 allowing?

19 MS. REYNOLDS: At this point we're only
20 allowing it in the type A disposal facility so it has a
21 higher degree of oversight.

22 COMMITTEE MEMBER ROBERTI: So we're allowing
23 that in the type A disposable facilities which can be
24 used for everything except engineered -- this one
25 percent dimensional lumber, is this an inert inert?

1 MS. REYNOLDS: No, it's actually an allowance
2 for letting, for just the registration tier to have a
3 little bit of contamination there, decomposable.

4 COMMITTEE MEMBER ROBERTI: And we're, but
5 that's going into the type A which can be disposed of in
6 an inert landfill but not used for engineering fill?

7 MS. REYNOLDS: Yes. So it has a higher level
8 of oversight in the registration tier versus EA
9 notification.

10 COMMITTEE MEMBER ROBERTI: Now what is the
11 current rule on dimensional lumber?

12 MR. DE BIE: There is none.

13 MS. REYNOLDS: No, there isn't one.

14 COMMITTEE MEMBER ROBERTI: There isn't one.
15 So then what happens at an inert landfill if somebody
16 has a load and he's got, he's got roofing shingles in
17 that load or -- I guess that would come under
18 dimensional lumber, or am I wrong?

19 MS. REYNOLDS: No, they're two separate types.

20 COMMITTEE MEMBER ROBERTI: Okay. He's got two
21 by fours, what happens right now?

22 MS. REYNOLDS: At an engineered fill?

23 COMMITTEE MEMBER ROBERTI: Yeah.

24 MS. REYNOLDS: They're not allowed to take
25 that.

1 COMMITTEE MEMBER ROBERTI: And how about inert
2 facilities?

3 MS. REYNOLDS: If it's one percent on a --
4 currently? Oh. Actually it's, right now it depends on
5 their waste discharge requirements by the Regional Water
6 Quality Control Board, what number they have assigned to
7 them.

8 COMMITTEE MEMBER ROBERTI: So right now
9 there's no set rule, it depends on the Regional Water
10 Quality Control Board as to what their rule is?

11 MS. REYNOLDS: Yes.

12 COMMITTEE MEMBER ROBERTI: And we have to
13 follow that?

14 MS. REYNOLDS: Well we haven't had the
15 regulations in place yet to --

16 MS. NAUMAN: What we're trying to do is
17 address through our own permitting process a limitation
18 on how much of this dimensional wood, dimensional lumber
19 would go into the disposal facility that we've described
20 in the registration permit.

21 COMMITTEE MEMBER ROBERTI: I think you've got
22 to take me back a little bit as to what we're doing
23 right now or what the rule is right now.

24 You have this dimensional lumber. What if a
25 load is, you know, 30 percent cement bricks, which I

1 suspect is clear C&D concrete rather, and, but, let's
2 say it's 80 percent. But 20 percent of that going into
3 a landfill in Sacramento, a C&D landfill is dimensional
4 lumber, two by fours, what would happen right now at the
5 landfill, ex-hauling company comes up to the C&D
6 landfill and they want to do dump it, what would happen?

7 MR. DE BIE: Well just to back up a little
8 bit. These are the regs that will define the universe
9 relative to inert disposal and C&D disposal, there are
10 no good definitions out there to make a distinction
11 between an MSW type landfill operation and a C&D or an
12 inert disposal, so these are the new rules.

13 COMMITTEE MEMBER ROBERTI: So we have no --

14 MR. DE BIE: There are facilities that are
15 calling themselves inert landfills, you know, under sort
16 of an understanding of what, you know, is an inert
17 landfill; and they are regulated under very different
18 rules, some are excluded, some have full permits.

19 COMMITTEE MEMBER ROBERTI: Are those our
20 rules?

21 MR. DE BIE: It's what was made up in the last
22 fifteen, twenty years. These are the new rules.

23 COMMITTEE MEMBER ROBERTI: I understand what
24 you're trying to do right now, I'm trying to get a
25 picture of the status quo.

1 MR. DE BIE: So if you have --

2 COMMITTEE CHAIR PAPARIAN: I'm trying, I'm
3 trying to get a picture as to whether the status quo has
4 any protections that inadvertently we are diminishing in
5 our legitimate concern to come up with landfill
6 regulations, C&D landfill regulations which are
7 comprehensive and hopefully tied.

8 But there often is a situation where as bad as
9 a random situation may be, there are situations in that
10 random world which, because of randomness, are tighter.

11 MR. DE BIE: Yes, and we have those.

12 COMMITTEE MEMBER ROBERTI: And so what I'm
13 trying to understand is are we diminishing that if they
14 exist to any extent? So that's what I'm trying to get a
15 handle on.

16 MR. DE BIE: Certainly.

17 COMMITTEE MEMBER ROBERTI: So what the current
18 regs, what the current situation is as haphazard as I
19 understand that may be.

20 MR. DE BIE: Yeah, I still don't know if I
21 would use the term random, but in certain case by case
22 situation, in some cases determinations have been made
23 for a specific site and a specific situation that a full
24 solid waste facility permit should be required.

25 In other situations the facilities have been

1 found exempt from the requirements of a solid waste
2 facility permit, and so have no permit.

3 So there's the two sort of ends of the
4 spectrum, so it's hit or miss. So certainly in some
5 situations where a full permit has been required under
6 status quo, potentially there will be a reduction in the
7 requirements for that site. We would define that for
8 that particular activity a full permit may not have been
9 appropriate, and a lesser tier may be appropriate.

10 On the other hand, for those facilities that
11 have been operating under exemption, they may now find
12 themselves requiring a full permit depending on what
13 types of materials they're taking in and how they're
14 disposing of them on site.

15 So there will be some back and forth in terms
16 of changes in how we're currently regulating some of the
17 sites. And that was part of the issue of why these regs
18 are necessary is because it was recognized that in some
19 situations there's overregulation going on, and in some
20 circumstances there's underregulation going on.

21 And so now we're sort of finding that even
22 playing field.

23 COMMITTEE MEMBER ROBERTI: Okay. Now to bring
24 us back to -- thank you, that helps clarify it.

25 COMMITTEE CHAIR PAPARIAN: Mr. Roberti, I

1 think Mr. Jones might have wanted to add some
2 clarification as well.

3 COMMITTEE MEMBER JONES: Just -- thanks, Mr.
4 Chair.

5 I think your question was a good question, but
6 I'm, the Water Board and the different water regions,
7 okay, when they issue WDR's on one of these fill sites,
8 they look at the specific conditions that exist in that
9 area, okay, and they come up with whether it's an
10 unclassified site, an unclassified solid waste unit, an
11 exempt site based on the waste stream, there's a whole
12 lot of things. So it hasn't just been made up.

13 I mean I think the term that it's just been
14 made up for the last fifteen years is probably a little
15 of a limiting or a little bit different, and I think we
16 owe it to the Water Board to, some of the regions aren't
17 too vigilant, but most of them are pretty good.

18 But the one in Kern County is a good example.
19 This Jones site, groundwater is 640 feet below the
20 bottom of this site, and it's been filled with mainly
21 inert material. It was an old Caltrans pit that they
22 used when they built Highway 5.

23 There are some organic materials in there, but
24 with groundwater at 640 feet it's non-potable water.

25 The Water Board looked at that issue on that

1 specific case and said as long as you bring in these
2 waste streams, and here's the restriction, then this is,
3 we're going to call this unclassified.

4 And then the Waste Board, based on that for
5 the closure, post closure, sends out a letter saying
6 you're exempt from closure, post closure as long as you
7 build it up to speed.

8 What we're trying to do is look at all those
9 facilities that call themselves one thing and actually
10 operate as something else, or we're actually forced to
11 do this because of the three sites down in L.A. that got
12 hit for fees, and all the sudden there was this charge
13 to hit regs. So that's where we got the terms like
14 inert inert and all this other stuff.

15 But I do think we need to have a little
16 flexibility on some of these, because the Water Board
17 has used this judiciously based on local conditions. We
18 need that overriding landscape.

19 COMMITTEE MEMBER ROBERTI: I'm not against
20 flexibility, and I understand the need for it, and I
21 don't want to castigate the Water Board because we all
22 view our responsibilities differently and the law sets
23 out our obligations differently.

24 COMMITTEE MEMBER JONES: Right.

25 COMMITTEE MEMBER ROBERTI: But, and I'm not

1 saying that's what our staff is doing here, but I am
2 concerned that we might be following the Water Board,
3 which in my long history of, in dealing with the laws, I
4 have always felt perceives things, perceives regulations
5 because they, for the most part, view their role and, in
6 essence set up by statute, to view their role to tell
7 people what they can do. And this Board is essentially
8 set up to tell people what they must not do. And those
9 are far different perceptions.

10 The Water Board in the history of our state
11 has been a permitting, I don't mean, I mean has been a
12 permissibility making entity, and it's structured that
13 way.

14 If you look at how Water Board appointments
15 are to be made, no matter who the Governor happens to
16 be, it is structured in a way that you tell the
17 constituency of the Water Board what they, what they can
18 do. It's like, they're like lawyers telling their
19 client, "Hey, this is what you can do," or a critic
20 might say what you can get away with.

21 That's not how this Board is set up. And I'm
22 not trying to castigate members of the Water Board,
23 they're perceiving their responsibilities as the statute
24 pretty much sets it out. But their charge is far
25 different from what the Waste Board is.

1 And I, I'm just saying this because I'd be
2 very leery myself if the results are that in trying to
3 put organization to what is, I used the word random and
4 I understand it's not random but it's the best word I
5 can think of right now, a random situation, we don't
6 tilt toward the Waters Board's views and
7 responsibilities which are far different from ours,
8 statutorily I would say.

9 Now, to get back to another point, however.
10 My load in Sacramento where it's like 85 percent
11 concrete and 50 percent two by fours, used two by fours,
12 they want to landfill it all in what somebody somewhere
13 along the line calls a C&D facility; what is most, and
14 maybe this is just impossible to answer, but what is
15 most apt to happen when the hauler goes to the scales?

16 MS. REYNOLDS: At a C&D facility, currently
17 they're regulated under the municipal solid waste as a
18 landfill, and it will actually continue to be that way
19 under these regulations. So they'll have the same
20 oversight, so they'll probably charge you the tipping
21 fee and it will be --

22 COMMITTEE MEMBER ROBERTI: Okay. But under
23 these regs I understand we are actually going to
24 delineate something called a C&D landfill, am I right?

25 MS. REYNOLDS: Yeah, construction, demolition,

1 and inert. And actually it's done for -- we thought
2 about taking the whole thing out because --

3 COMMITTEE MEMBER ROBERTI: You're saying we
4 take the whole thing out?

5 MS. REYNOLDS: The whole category of CDI
6 because essentially it's, we're proposing to regulate it
7 the same as an MSW landfill and, so but legally we
8 needed to have a category there to point over for those
9 people in the future that may come along and want to be
10 a CDI facility, so it points over to the appropriate
11 regulations.

12 COMMITTEE CHAIR PAPARIAN: Before we go much
13 further, it's still my hope that we finish this item
14 before lunch, this is our last item. We have three
15 speakers. I think the staff presentation, the
16 PowerPoint has been pretty well covered, I think,
17 through the discussions even though we haven't seen each
18 slide up there.

19 But I'm wondering, do we need to take a
20 break? So maybe this would be a good time to take a two
21 minute break, and then we'll see if there are any other
22 questions and go to the speakers and finish this item
23 up.

24 (Thereupon there was a brief recess.)

25 COMMITTEE CHAIR PAPARIAN: I think we're ready

1 to get going again. Did staff have anymore to add, or
2 should we just go right to the speakers?

3 MS. NAUMAN: I think we can go ahead and go to
4 the speakers, and then we can respond to any outstanding
5 issues after that.

6 And I think Allison has a couple of
7 clarifications that she wants to make, but we can do
8 that after the testimony.

9 COMMITTEE CHAIR PAPARIAN: Great. I have Ken
10 Ehrlich.

11 MR. EHRLICH: Thank you, Mr. Chair, members of
12 the committee.

13 Ken Ehrlich of Jeffer, Mangels, Butler, and
14 Marmaro, here today on behalf of Peck Road Sand and
15 Gravel, one of the infamous members of the L.A. inert
16 facilities, an inert inert facility that was here a
17 couple years ago regarding waste fees.

18 First of all, I would just like to, I'm
19 usually advocating on behalf of clients against staff
20 and against governmental agencies, and here I would like
21 to take the opportunity in front of the committee to
22 compliment staff for doing a great job of organizing the
23 stakeholders. And the more that staff got into it the
24 more I realized and the more staff realized how many
25 stakeholders there are and what each individual agendas

1 they bring.

2 I think staff did an excellent job of
3 organizing the stakeholders and understanding their
4 concerns, and also the agency's.

5 And to that end I want to stress that, to
6 Senator Roberti especially and to other members of the
7 committee, the staff here in my estimation is not at all
8 following the Water Board in anything. It's taking an
9 area where there's much ambiguity as to who falls in
10 what square peg and round hole and whatever, and try to
11 make sense and reason of it in figuring what status and
12 permit that particular site needs. And I think on
13 balance they've done a very good job as these things
14 go.

15 My only, which gets to my only issue which I'd
16 like to bring up to the staff, to the committee, and
17 alert you that I've already spoken to staff about it.

18 In the inert inert engineered fill category,
19 there is an issue about compaction and whether
20 compaction is, in fact, needed. And I think there is a
21 slight ambiguity in the regulations as currently drafted
22 which might lead one to conclude that actual compaction
23 might be necessary at this tier, which is EA
24 notification.

25 We completely agree with the EA notification

1 part, and there was an issue about this compaction which
2 hopefully within the 45 day comment period we can work
3 out.

4 But otherwise we would support the provision
5 for the inert inert facilities to be in the notification
6 only tier and otherwise exempt from fees.

7 Thanks for your time.

8 COMMITTEE CHAIR PAPARIAN: Thank you.

9 Chuck White.

10 MR. WHITE: Thank you, Mr. Chairman and
11 members of the Board, Chuck White representing Waste
12 Management.

13 I'll be very brief. We've been discussing
14 this issue of inert C&D fills for years. There's been a
15 tremendous variety of how it's been regulated and dealt
16 with up and down the state.

17 I can't say anything but give high praise for
18 the job that the staff has done because they finally
19 have given order and clarity for an admittedly very
20 confusing array of different kinds of facilities.

21 I think the system that they are proposing in
22 these regs are really workable, it provides a reasonable
23 tiered structure based upon the different kinds of
24 operation; it provides a reasonable degree of
25 flexibility; and it does provide a level playing field

1 for similar kinds of operations.

2 So I would certainly support that these
3 regulations go out for 45 day public comment.

4 We do have a coalition of waste industry reps
5 that will be submitting a letter prior to next week's
6 Board meeting that will likewise be supportive of these
7 going out for 45 day notice, and we encourage you to
8 move it in that direction.

9 But finally, I would really like to say a word
10 of thanks and appreciation for the excellent job that
11 the staff has done. Allison Reynolds, Georgianne
12 Turner, and Mark de Bie have just been very open and
13 forthright, have listened to concerns from a variety of
14 stakeholders, and have done an excellent job of
15 crafting, which is admittedly a fairly complex
16 regulatory document, but still it's, which I believe
17 does provide clarity and order to an otherwise very
18 confusing area of government regulation in the past.

19 So I, again, I really appreciate the job you
20 folks have done, and look forward to working with you as
21 we move forward.

22 COMMITTEE CHAIR PAPARIAN: Thank you.

23 Evan Edgar.

24 MR. EDGAR: Good afternoon, chair and Board
25 members, Evan Edgar, Edgar Associates on behalf of the

1 California Refuse Removal Council.

2 We've been working on this issue since 1997.

3 We are finally here. We support option number one to go
4 out to notice, and I reserve the opportunity to look at
5 the mine report.

6 I haven't had a chance to look at that yet,
7 and see if it's a viable mine.

8 Thank you.

9 COMMITTEE CHAIR PAPARIAN: Thank you. Judy
10 Ware.

11 MS. WARE: Good afternoon, honorable Board.

12 I have had an opportunity to review the mine
13 report, and I haven't had time to copy it, but I think
14 you ought to have a copy of it. It's a 28 page document
15 that's had every specialist on mines study it. There's
16 fifteen contacts on this committee, and I brought you a
17 couple of the comments. They have given recommendations
18 on operational standards for the mines, but
19 unfortunately in 28 page single-typed I think you need
20 to take it under consideration and go through it
21 yourselves.

22 With regards to the regulation, Allison and
23 Mark are very pleasurable to work with, and we are also
24 working with them on the phase one.

25 On the, just let me comment a minute. I don't

1 think you are ready to go out to notice because we
2 haven't reviewed the mine study. I think we need to
3 have that done so that you have a clear understanding
4 that the mines are operationally different than a
5 facility.

6 A mine has to have an occupational reuse, or
7 this term engineered fill has no reuse. The reuse has
8 to be established at a pre-determination so there are
9 reclamation bonds, performance bonds.

10 A performance bond is a bond that companies
11 buy that says you will do what you promised to do.

12 A reclamation bond, which is in the mine
13 study, talks about you will reclaim as you said you will
14 do.

15 The financial bonds are kind of quite
16 confusing. But occlusion bond is not, and our industry
17 understands that well. Occlusion bond would be a bond
18 on a facility of any sort where if you had an incident
19 spill, somebody came in and something spilt, every bond
20 that we're talking about is a different sort of bond,
21 and this EA for this excluded tier, the staff on that
22 item, under your staff report the staff report talked
23 about the job before your Board was to establish tiered
24 levels, and they came up with this engineered fill.

25 And although the engineered fill was added,

1 they didn't add what engineered fill is reused for.
2 That's why you need the determination of what the mine
3 is going to be finished, what's the product, is it a
4 park or is it a building? That would make each mine
5 need to be regulated separately. Because if it was
6 going to be a park, it would be one sort of engineered
7 fill. And if it was going to be a building, it would be
8 another kind of fill, because the fill would be
9 different for the different uses. That's not in your
10 documents to this point.

11 One thing that I did speak with Allison that's
12 not in here. I took your regulation package -- and I
13 actually made you copies. This is the package for
14 facilities that are under local land use under
15 governmental agency. And they even, they have storage
16 limits, they're not addressed in these reg package;
17 compaction limits, the lift limits, how much, how many
18 stockpiles can be stored in a mine? How high are the
19 stockpiles? How long can they be there? That's not
20 addressed.

21 They are addressed in the phase one, but
22 they're, this is the phase two, these are the
23 regulations you're looking at.

24 They're quite, quite more severe for a
25 facility where you already have an actually operating

1 facility. You're not talking about putting this
2 residue, this waste in these holes, and this is the
3 regulations for that.

4 So when you put the two packages together it
5 brings some issues up. What's missing? The, what is
6 missing is the operational standards. And I spoke with
7 the staff, and I think they're, they have to be
8 addressed.

9 The -- excuse me, one minute. The
10 occupational usage, and I wanted to mention -- oh, the
11 point of separation, I think Allison addressed it, it
12 was not mentioned in the regs, but when I did speak with
13 Allison, the point of generation, this material if it's
14 not construction since it's a single source item,
15 concrete.

16 Originally they're naturally occurring. In
17 the first set of regs it actually addressed what ought
18 to go back into the ground. And the second set of regs
19 came back with clay, porcelain, glass, but that starts
20 to become remnants and waste from what? That's not
21 naturally occurring, a broken pot or a broken brick.

22 You know, if you don't know I grew up in the
23 solid waste industry, but I grew up from a construction
24 and demolition family, and my father is a demolition
25 contractor.

1 What brought my attention to this Waste Board
2 issue, if you read the mine study, say we have a sink
3 and a faucet and a bathtub and we demolish a house.
4 Those materials need to go to a processing facility
5 because attached to that is pipe, plastic, the residue.

6 And when you read the mine study, the mine
7 study talks about acid metal being the number one cause
8 of why, of mines, and what the issue is with these
9 mines.

10 The number one failure for the mines in the
11 history of the mining business is the extent of the
12 liability. Companies taking over mining and going out
13 of business are the number one cause of the mines being
14 emptied.

15 So while we're working together to find what's
16 proper, we have to keep in mind what's not proper.
17 Going to a facility where it's going to be reused,
18 recycled, taken into market and to end use under
19 controlled conditions would make those materials such as
20 pipe, plastic, whatever, they would be going back to
21 market.

22 The mine is a final disposal regardless of if
23 it's an engineered fill it's final disposal, there is no
24 recycling coming out of the mines.

25 So number one, we need to get a definition for

1 what each mine is and what is its occupational use, and
2 even if it's engineered fill, fill for what? It's just
3 not in these regs.

4 And I guess most markedly we would talk about
5 the whole picture. How would a processing facility be
6 regulated as heavily as stockpiles? There's a 30, if I
7 had a, an engineered processing facility under phase
8 one, it has to be a one and three part test. And the
9 storage is six months for unprocessed and eighteen
10 months for processed material.

11 There is no requirement on a mine. So when
12 you've gone to all this trouble to make sure you meet a
13 part test what you can accept, you have a full solid
14 waste permit, the material has storage limits, you can
15 go back to this page, there are none, and that's what
16 needs to be worked on.

17 I think you need to have, let the staff
18 finish. I think the staff is learning about this, plus
19 the fact these mine reports are becoming available, and
20 I have one that's apparently different than the one that
21 the Waste Board's got, and I need to get it xeroxed and
22 I'll be glad to give it to you.

23 But it's got recommendations on there already
24 for how the mines should be worked with.

25 Thank you very much.

1 COMMITTEE CHAIR PAPARIAN: Thank you.

2 Mr. de Bie.

3 MR. DE BIE: If I can just indulge the
4 committee for a minute on some of the items the last
5 speaker brought up. Certainly we can look at the bond
6 issue. I think that's a good one for the lower tiers.

7 Certainly in the higher tier it's already
8 addressed in terms of all of the financial assurance
9 requirements.

10 The mine study that Judy referred to is
11 something that she brought to my attention this morning,
12 we're not real sure what the source is, so we'll
13 continue working with her on that study.

14 I wanted to indicate that, you know, the Board
15 did conduct their own study through UCD, and you have
16 access to that information, so I don't want the
17 committee to be confused about the two studies.

18 Judy is aware of another study that she's just
19 recently brought to our attention, and we'll get a copy
20 of that and look at that study and report to the Board
21 relative to that.

22 Judy also indicated some of the differences in
23 the matrix between transfer stations and disposal sites.
24 Certainly there are differences, they are two different
25 kinds of sites. Be assured that if a site was taking in

1 sinks and pipes and those sorts of things they would
2 need to have a full permit and not have a lesser tier.

3 And we'll continue to work with Judy on all
4 the issues that she's brought up, and we believe that we
5 can resolve all of them during the 45 day comment
6 period.

7 So thank you.

8 COMMITTEE CHAIR PAPARIAN: Okay. So the
9 question before us -- does staff want to conclude -- let
10 me ask this first to our counsel.

11 The question before us is whether to go out
12 for 45 days. We don't have a resolution before us, what
13 you're looking for is a sense of the committee and then
14 presumably a sense of the Board? Or, no, just the
15 committee?

16 CHIEF LEGAL COUNSEL TOBIAS: Traditionally the
17 committees have done the regulatory work, and then it
18 goes to the Board for final approval.

19 So all of the noticing and all of that is
20 taken care of at the committee level. As Senator
21 Roberti mentioned this morning, it's basically the place
22 to work that out. And then it would go to the Board
23 once the committee is approving the regs at the end of
24 the process.

25 COMMITTEE CHAIR PAPARIAN: Okay. So our

1 action today would be to give a sense of a desire to go
2 forward or not go forward --

3 CHIEF LEGAL COUNSEL TOBIAS: Direct staff to
4 go forward or not.

5 COMMITTEE CHAIR PAPARIAN: -- with the 45 day
6 comment period, and then this item would not go to the
7 Board agenda until we come back from the 45 days?

8 CHIEF LEGAL COUNSEL TOBIAS: Right.

9 MS. REYNOLDS: Mr. Chair, if I may? Something
10 that I need to enter into the record.

11 Since the distribution of these draft
12 regulations, staff noticed some typos and other
13 non-substantive changes to make, including addressing
14 the waste industry concern about preapproval by
15 governmental agencies regarding site and use at inert
16 debris engineered fill operations.

17 Staff can make these changes part of the Board
18 meeting with your direction.

19 COMMITTEE CHAIR PAPARIAN: Mr. Jones.

20 COMMITTEE MEMBER JONES: The one issue about
21 the preapproved, you know, the issues that Bill Arulia
22 brought up out of Kern County on the C&D site -- I mean
23 I think these ought to go forward, but I think that's an
24 issue our staff ought to look at during the 45 days, to
25 include it in the regs if they have to where we have

1 either an exemption or some kind of treatment on those
2 that are almost filled, and have been bringing in less
3 than what the Water Board had already set as a standard
4 for those issues.

5 Would that be reasonable to explore that
6 issue?

7 COMMITTEE CHAIR PAPARIAN: Members?
8 Comfortable with exploring that issue?

9 COMMITTEE MEMBER JONES: Okay. All right.

10 COMMITTEE CHAIR PAPARIAN: And then, counsel,
11 did you have something --

12 CHIEF LEGAL COUNSEL TOBIAS: I just wanted to
13 mention that if it is going forward to review at this
14 time, then Allison needs to read those records, those
15 changes into the record since it's not going to the
16 Board meeting.

17 So if she's got, if you're going out to review
18 and if she's got clerical changes, she needs to put it
19 into the record. And I think she's talking about that
20 right now.

21 COMMITTEE MEMBER JONES: While they're
22 discussing that --

23 MS. NAUMAN: I think she already did it, I
24 think she read into the record the changes she needed
25 to.

1 COMMITTEE MEMBER ROBERTI: Mr. Chairman.

2 COMMITTEE CHAIR PAPARIAN: Mr. Jones and then
3 Senator Roberti.

4 COMMITTEE MEMBER JONES: Okay. I was just
5 going to, I was going to say two things.

6 One, that I had made a comment that I had
7 heard that there was a problem with the meeting in
8 Southern California, I made it to Mark and to Julie.
9 And everybody I talked to in Southern California with
10 the exception of one person thought that that was a very
11 productive meeting.

12 So you get a public apology from me when I, I
13 mean I bring it up, when people tell me I make you guys
14 aware of it.

15 I heard that this was a really good process
16 all the way through, I mean there's still some issues,
17 but it shouldn't be, when you got it coming you got it
18 coming, but you didn't have it coming.

19 I think we ought to move it for the 45 days
20 after the Senator, unless the Senator has an objection
21 with those changes Allison talked about, and looking at
22 that exception.

23 COMMITTEE MEMBER ROBERTI: I don't mind moving
24 this to committee with the proviso, as far as my own
25 vote is concerned, is I would like to have a more

1 complete delineation as to what the current status of
2 C&D disposal is on various case situations. So I not
3 only know where we are going, and I think staff has done
4 an excellent job in crafting a plan where we are going,
5 but I'm still unclear as to where we're coming from.
6 And that's important. So if I can get that.

7 And then the second thing I would like to have
8 is all these items that are going into the
9 classification A, that means they can be disposed C&D
10 but cannot be disposed for engineering landfills, how
11 flammable or decomposable are those items?

12 Because I heard the word tire shreds and, of
13 course, that sets the antenna going that, I just think
14 that's a problem fill. That doesn't mean that I'm going
15 to vote against it, but I want to be assured that we're
16 not creating a problem. And if we are I don't want to
17 vote for it.

18 And the other items were roofing shingles and,
19 you know, my very layman's knowledge of that is that
20 those things burn up.

21 So I would like, you know, sort of a
22 flammability index, and maybe a decomposable index of
23 these various items that are the expanded inerts.

24 MS. NAUMAN: Senator, we'd be happy to meet
25 with you individually to talk about these issues and

1 then perhaps provide a follow-up memo to all the
2 committee members summing up the issues that you've
3 raised and the feedback that staff's been able to
4 provide, and do that during this comment period.

5 COMMITTEE CHAIR PAPARIAN: Okay. With that,
6 Mr. Jones has expressed a desire to go out for 45 days,
7 and I think Senator Roberti you're agreeing with that?

8 COMMITTEE MEMBER ROBERTI: I will agree.

9 COMMITTEE CHAIR PAPARIAN: With the desire to
10 get more information during that time period.

11 COMMITTEE MEMBER ROBERTI: Well I'd like to
12 get as much of it, I'd like to get as much of it as I
13 can before our Board meeting to the extent you can do
14 it.

15 MS. NAUMAN: I think we can do that.

16 BOARD MEMBER MEDINA: Just to be clear on what
17 we're doing here. What staff is proposing is to take
18 these draft regulations and put them out for a 45 day
19 review after which possible revisions will be made,
20 possibly not, then it would come back to the committee
21 and then the Board for final adoption.

22 In order for these draft regulations to go out
23 for 45 day review, we are basically blessing them here
24 today. They would not go to the Board next week before
25 going out for 45 day review, we would be, we're making

1 that decision here today.

2 COMMITTEE MEMBER ROBERTI: Well that's the
3 process. You know, counsel, in the past when we say a
4 45 day review we essentially are saying go to the Board;
5 am I right or am I wrong?

6 CHIEF LEGAL COUNSEL TOBIAS: Well in the past
7 because we didn't have committees it did go to the Board
8 and the Board sent it out. It's not, it's more of a
9 direction to staff, it's not so much an approval with
10 the resolution.

11 What we've always done with committees is to
12 move that down to the committee level. All the
13 regulatory action, if you will, takes place at the
14 committee level so, as Mr. Paparian said, we go out for
15 45 day review, it will come back to this committee with
16 staff responding to any of the comments.

17 I think staff is offering to brief you, you
18 know, immediately with your questions. It will come
19 back to the committee in 45 days.

20 COMMITTEE MEMBER ROBERTI: In 45 days. And
21 then what happens, what's the proper motion? Assuming
22 we think everything is fine, what's the proper motion?
23 Then it goes to the Board, then what's the proper motion
24 at the Board?

25 CHIEF LEGAL COUNSEL TOBIAS: Well the proper

1 motion of the Board would be adoption of the regulations
2 with or without any changes that are suggested at the
3 committee level.

4 COMMITTEE MEMBER ROBERTI: Is there a
5 statutory provision of the Board at that point to go to
6 45 day review?

7 CHIEF LEGAL COUNSEL TOBIAS: The Board could
8 go out to additional review if they wanted to. I think
9 in line with your earlier comments today we're hoping to
10 keep most of that at the committee.

11 So what would probably be appropriate at that
12 time is that the Board hears that there should be
13 changes, the Board should send it back to committee, the
14 committee should look to those changes and then go back
15 to the Board.

16 And certainly the Board could keep it at the
17 Board level if they wanted to, but in line with the idea
18 of having it done in committee it should be done there.

19 COMMITTEE MEMBER ROBERTI: I understand and
20 that's fine.

21 CHIEF LEGAL COUNSEL TOBIAS: If it comes back
22 to committee and the committee wants an additional --

23 COMMITTEE MEMBER ROBERTI: We could always go
24 back to another 45 days?

25 CHIEF LEGAL COUNSEL TOBIAS: Or a shorter

1 timeframe.

2 COMMITTEE MEMBER ROBERTI: Is 45 days our
3 statutorily required in all cases if we go to review?

4 CHIEF LEGAL COUNSEL TOBIAS: For this first
5 one it is.

6 COMMITTEE MEMBER ROBERTI: Assuming there's a
7 second one?

8 CHIEF LEGAL COUNSEL TOBIAS: Then you could
9 do --

10 COMMITTEE MEMBER ROBERTI: Can you do a
11 fifteen day review?

12 CHIEF LEGAL COUNSEL TOBIAS: Fifteen days or
13 greater.

14 COMMITTEE MEMBER ROBERTI: Okay. Fine.

15 COMMITTEE CHAIR PAPARIAN: Okay. So with that
16 you're comfortable with going out, Mr. Medina?

17 I am as well.

18 Do you need a resolution or all of us
19 acknowledging?

20 CHIEF LEGAL COUNSEL TOBIAS: No, it's fine if
21 you're all acknowledging.

22 You know, if at some point you have
23 disagreement, you may want to take a vote just to
24 resolve that disagreement. But if everyone is basically
25 agreeing you don't have to take a vote. It's however

1 you want to do that.

2 COMMITTEE CHAIR PAPARIAN: Okay. So that
3 covers that item. Any public -- did you have something
4 else, Julie?

5 MS. NAUMAN: Just to remind you about public
6 comment.

7 COMMITTEE CHAIR PAPARIAN: Okay. Thank you.

8 Any public comment? Seeing none, anything
9 else that we need to deal with before we close?

10 COMMITTEE MEMBER JONES: Just nice job, Mr.
11 Chairman.

12 COMMITTEE CHAIR PAPARIAN: Thank you.

13 All right, we're adjourned.

14 (Thereupon the foregoing was concluded
15 at 1:09 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2
3 I, DORIS M. BAILEY, a Certified Shorthand

4 Reporter and Registered Professional Reporter, in and
5 for the State of California, do hereby certify that I am
6 a disinterested person herein; that I reported the
7 foregoing proceedings in shorthand writing; and
8 thereafter caused my shorthand writing to be transcribed
9 by computer.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said proceedings, nor
12 in any way interested in the outcome of said
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 as a Certified Shorthand Reporter and Registered
16 Professional Reporter on the 20th day of April, 2002.

17
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